

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Seventh day of February Two Thousand Twenty
PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.1374 and 1543 of 2020

IN CRL.A.NOS.69 AND 77 OF 2020

S.C.NO.283/2016

[ON THE FILE OF XVII ADDITIONAL SESSIONS JUDGE, CHENNAI]

THALAPATHI @ BHARATH

[PETITIONER

IN CRL.MP.NO.1374/2020]

JAISON

[PETITIONER

IN CRL.MP.NO.1543/2020]

Vs

1 STATE REP. BY

[RESPONDENT

THE INSPECTOR OF POLICE,

IN BOTH THE PETITIONS]

J-6, THIRUVANMIYUR POLICE STATION,
CHENNAI.

CR.NO.1743 OF 2012

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.69 and 77/2020 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in judgment dated 23.01.2020 in S.C.No.283/2016 on the file of XVII Additional Session Judge, Chennai and enlarge him on bail, pending disposal of the above appeal. [CRL.A.NOS.69 AND 77 OF 2020]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Criminal Appeal No.69 and 77/2020 on the file of the High Court and upon hearing the arguments of M/S.K.THENRAJAN Advocate for the petitioner[IN CRL.MP.NO.1374/2020] AND OF M/S.G.MOHANAKRISHNAN Advocate [CRL.MP.NO.1543/2020] and of MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR on behalf of the Respondent [IN BOTH THE PETITIONS]the court made the following order:-

The petitioners herein are the accused 3 and 4 in S.C.No.283 of 2016 on the file of the learned XVII Additional Sessions Judge, Chennai. By judgment dated 23.01.2020, the trial Court convicted them for the offence punishable under Section 307 r/w 114 IPC and sentenced to undergo rigorous imprisonment for a period of ten years each and to pay a fine of Rs.5,000/- each in default to undergo one year simple imprisonment. As against the said conviction and

sentence, the petitioners have filed the respective criminal appeals along with these petitions seeking suspension of sentence.

2.It is submitted by the learned counsel for the petitioners / accused that the amount of fine had already been paid, as directed by the Sessions Court in its judgment. The learned counsel further submitted that there are several infirmities and inconsistencies in the prosecution case and there are also contradictions in material particulars in the evidence of the prosecution. The learned counsel also submitted that there are arguable points available in the Criminal Appeals, which are not likely to be taken up for final hearing in the near future and hence, the substantive sentence imposed against the petitioners may be suspended.

3.Heard the learned Additional Public Prosecutor appearing for the State on the submissions made by the learned counsel for the petitioners.

4.Considering the facts and circumstances of the case and also taking into consideration the submission of the learned counsel on either side, this Court is of the view that the petitioners herein can be granted the relief of suspension of sentence. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners herein are directed to be enlarged on bail on the following conditions:-

- a) Each of the Petitioners/Accused are directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties of whom, one should be a blood relative each for a like sum to the satisfaction of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai;
- b) The Petitioners/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.
- c) The Petitioners/Accused shall stay at Trichy and appear before the Trichy Town police station daily at 10.30 a.m. until further orders.
- d) On the failure of the Petitioners/Accused to comply with any of the aforesaid conditions, it is open to the trial Court to commit the Petitioners/ Accused into custody for undergoing the sentence.

-sd/-

27/02/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE XVII ADDITIONAL SESSIONS
JUDGE, CHENNAI

2 THE METROPOLITAN MAGISTRATE,
XVIII, SAIDAPET, CHENNAI

3 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

4 THE INSPECTOR OF POLICE,
J-6, THIRUVANMIYUR POLICE STATION,
CHENNAI.

6 THE OFFICER IN CHARGE
TRICHY TOWN POLICE STATION
TRICHY

+3 C.C. to M/S.K.THENRAJAN Advocate on payment of necessary
charges SR.NO. 3918, 3930

+1 C.C. to M/S.G.MOHANA KRISHANA Advocate on payment of
necessary charges SR.NO. 3915

Order

in

CRL MP.NO.1374 AND 1543 /2020

IN CRL.A.NOS.69 AND 77 OF 2020

Date :27/02/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 27/02/2020