

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.M.P.No.3731 of 2020

in

CrI.A.No.205 of 2020

Iyappan

... Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
J-3, Guindy Law and Order
Police Station,
Chennai.

... Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioner by judgment and order dated 30.04.2019 passed in S.C.No.339 of 2015 on the file of the III Additional Sessions Court, Chennai and to enlarge the petitioner on bail till the disposal of the appeal.

For Petitioner : Mr.G.Maniprabhu

For Respondent: Mr.K.Madhan

Government Advocate (CrI. Side)

O R D E R

This case is taken up through video conferencing.

2. This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order dated 30.04.2019 passed in S.C.No.339 of 2015 on the file of the III Additional Sessions Court, Chennai and to enlarge the petitioner on bail till the disposal of the appeal.

3. The petitioner, who was an accused in S.C.No.339 of 2015 before the III Additional Sessions Court, Chennai, was convicted of the offence under Section 304(II) IPC and sentenced to undergo ten years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default to undergo two months rigorous imprisonment.

4. Challenging the above conviction and sentence, the petitioner has filed CrI.A.No.205 of 2020 along with the instant miscellaneous petition seeking suspension of sentence and bail.

5. Heard Mr.G.Maniprabhu, learned counsel for the petitioner and Mr.K.Madhan, learned Government Advocate (CrI.Side) appearing for the respondent/State.

6. It is the case of the prosecution that the petitioner was the driver of the vehicle, which was used to transport various articles to hotel Ganesh Bhavan, where, the deceased Shankar was working as Security Guard. There used to be frequent petty quarrels between the petitioner and Shankar during delivery of the articles at Ganesh Bhavan. On 24.06.2015, around 5.30 p.m., while the petitioner was delivering idly batter, a quarrel ensued, in which, it is alleged that the petitioner had assaulted Shankar with a rod, which proved fatal.

7. On these allegations, the petitioner faced prosecution in S.C.No.339 of 2015 for the offences punishable under Sections 294(b), 302 and 506(II) IPC and was eventually acquitted of the charges under Sections 294(b), 302 and 506(II) IPC, but, convicted of the offence under Section 304(II) IPC and sentenced as stated supra.

8. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner has been in incarceration from 30.04.2019. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

9. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The petitioner shall 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 III Additional Sessions Court, Chennai;
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the III Additional Sessions Judge, Chennai may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and

The petitioner shall appear before the trial Court on (iii) the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

-sd/-

25/08/2020

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 III ADDITIONAL SESSIONS
JUDGE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
J-3 GUINDY LAW AND ORDER POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

C.C. to M/S.G.MANIPRABHU Advocate on payment of necessary charges

Order
in
CRL MP.3731/2020
in
CRL A.205/2020

Date :25/08/2020

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

RVR 09/09/2020

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