

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2020

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.MP.No.3868 of 2020 in

Crl.A.No.216 of 2020

AMMASI

... APPELLANT

-VS-

STATE REP. BY
THE INSPECTOR OF POLICE,
VENNANDUR POLICE STATION,
NAMAKKAL DISTRICT
(CR.NO.487 OF 2010)

... RESPONDENT

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) and 439 of Cr.P.C. praying to enlarge the petitioner / appellant on bail by suspending the sentence imposed in SC.No.237 of 2018 on the file of the learned Principal Sessions Judge, Namakkal, Namakkal District pending disposal of the above appeal in Crl.A.No.216 of 2020

FOR PETITIONER : MR.R.KAMARAJ

(GIVEN INSTRUCTIONS OVER PHONE)
O R D E R

This criminal miscellaneous petition has been filed praying to enlarge the petitioner / appellant on bail by suspending the sentence imposed in SC.No.237 of 2018 on the file of the learned Principal Sessions Judge, Namakkal, Namakkal District pending disposal of the above appeal in Crl.A.No.216 of 2020.

2. The petitioner was convicted for the offences under Sections 431, 434, 447 of IPC, Section 3 (ii) of TNPPDL Act by the Principal Sessions Judge, Namakkal, Namakkal District. The petitioner was convicted for the offence under Section 434 of IPC and sentenced to undergo rigorous imprisonment for six months and also imposed fine amount of Rs.1,000/-, in default of payment of fine to undergo simple imprisonment for 45 days. He was also convicted for the offence under Sections 447 of IPC and sentenced to undergo rigorous imprisonment for one month and fine amount of Rs.1,000/-, in default, one week simple imprisonment. He was convicted for the offence under Section 3(ii) of TNPPDL Act and sentenced to undergo rigorous imprisonment for four years and imposed fine of Rs.5,000/-, in default one year simple imprisonment. Aggrieved by the same, the petitioner has preferred the above appeal in Crl.A.No.216 of 2020.

3. The learned counsel for the petitioner would submit that there are lot of discrepancies in the evidence and also material contradictions in the evidence of prosecution and the prosecution evidence is also highly unbelievable. He would further submit that through out the trial the petitioner was on bail and the petitioner also paid the fine amount imposed by the trial court.

4. Heard the learned counsel for the petitioner.

5. Having regard the fact that there are arguable points involved in the appeal and further the petitioner was on bail through out the trial, considering the period of incarceration already suffered by the petitioner and the appeal is not likely to be taken up for final hearing in the near future, this Court is inclined to suspend the sentence imposed on the petitioner by the trial court.

6. Accordingly, the sentence of imprisonment imposed by the trial court alone is suspended and the petitioner is directed to be enlarged on bail on the following conditions.

(i) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Superintendent of Central Prison concerned and on further condition that

(ii) the petitioner shall appear before the said court at 10.30 a.m. on the first working day of every English Calender month, pending disposal of the criminal appeal.

-sd/-
02/04/2020

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

TRUE COPY

सत्यमेव जयते

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

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TO

1 THE PRINCIPAL SESSIONS JUDGE
NAMAKKAL, NAMAKKAL DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

<https://hcservices.ecourts.gov.in/hcservices/>

4 THE INSPECTOR OF POLICE
VENNANDUR POLICE STATION,
NAMAKKAL DISTRICT.

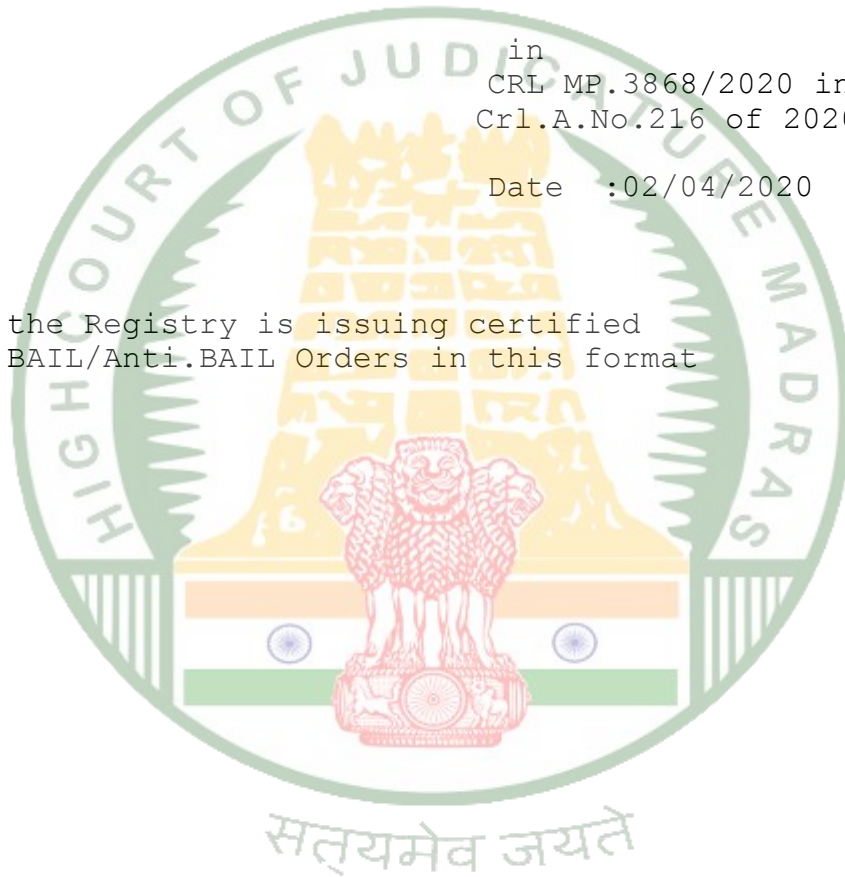
C.C. to MR.R.KAMARAJ Advocate on payment of necessary charges

Order

in
CRL MP.3868/2020 in
Crl.A.No.216 of 2020

Date :02/04/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
cs 02/04/2020



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