

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.07.2020
CORAM
THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.M.P.No.4222 of 2020
in Crl.A.No.258 of 2020

1.Sathish
2.Sekar

.. Petitioners/Accused

Vs.

State represented by
The Inspector of police,
Peralam Police Station,
Thiruvavarur District.

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 374(1) Cr.P.C. to suspend the sentence imposed on the petitioners by judgment and order dated 29.08.2019 passed in S.C.No.39 of 2018 on the file of the Principal District and Sessions Court, Thiruvavarur and to enlarge the petitioners on bail till the disposal of the appeal.

For Petitioners : Mr.S.Sounthar

For Respondent : Mr.K.Madhan
Government Advocate (Crl. 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 petitioners by judgment and order dated 29.08.2019 passed in S.C.No.39 of 2018 on the file of the Principal District and Sessions Court, Thiruvavarur and to enlarge the petitioners on bail till the disposal of the appeal.

[*]3. The petitioners, who were A1 and A2 in S.C.No.39 of 2018 before the Principal District and Sessions Court, Thiruvavarur, were convicted and sentenced as follows:

Accused	Provision under which convicted	Sentence
Sathish (A1)	Section 304 (I) IPC	Six years rigorous imprisonment and fine of Rs.500/-, in default to undergo six months rigorous imprisonment.
Sekar (A2)	Section 304 (I) IPC	Twelve years rigorous imprisonment and fine of Rs.5,000/-, in default to undergo three years simple imprisonment.
	Section 294 (b) IPC	Fine of Rs.200/-, in default to undergo one week rigorous imprisonment.

4. Challenging the above conviction and sentences, the petitioners have filed CrI.A.No.258 of 2020 along with the instant miscellaneous petition seeking suspension of sentence and bail.

5. Heard Mr.S.Sounthar, learned counsel for the petitioners and Mr.K.Madhan, learned Government Advocate (CrI.Side) for the respondent/State.

6. It is the case of the prosecution that Sathish (A1) is the son-in-law of Sekar (A2); on 17.05.2017, there was a wordy quarrel between Sathish (A1) and Sekar (A2) on one side and the family of the deceased on the other side, in which, Sathish (A1) is said to have hit the deceased on his head with a stick; on that day, there was no problem at all; however, the deceased developed medical complications and died on 19.05.2017. Therefore, a case was registered for the offence under Section 302 IPC against the petitioners.

7. Though a charge under Section 302 IPC was framed, the trial Court had acquitted the petitioners of the said charge.

8. The petitioners have raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. Moreover the petitioners have been in incarceration from 29.08.2019. In such view of the matter, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence and bail.

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

- (i) The petitioners 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 Principal District and Sessions Court, Thiruvavarur;
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the the Principal District and Sessions Judge, Thiruvavarur, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- (iii) The petitioners shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.

-sd/-
30/07/2020

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.

[*]Being mentioned as per order of this Court dated 18/08/2020

TO

1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, THIRUVARUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
THIRUCHIRAPALLI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERALAM POLICE STATION,
THIRUVARUR DISTRICT

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

Order

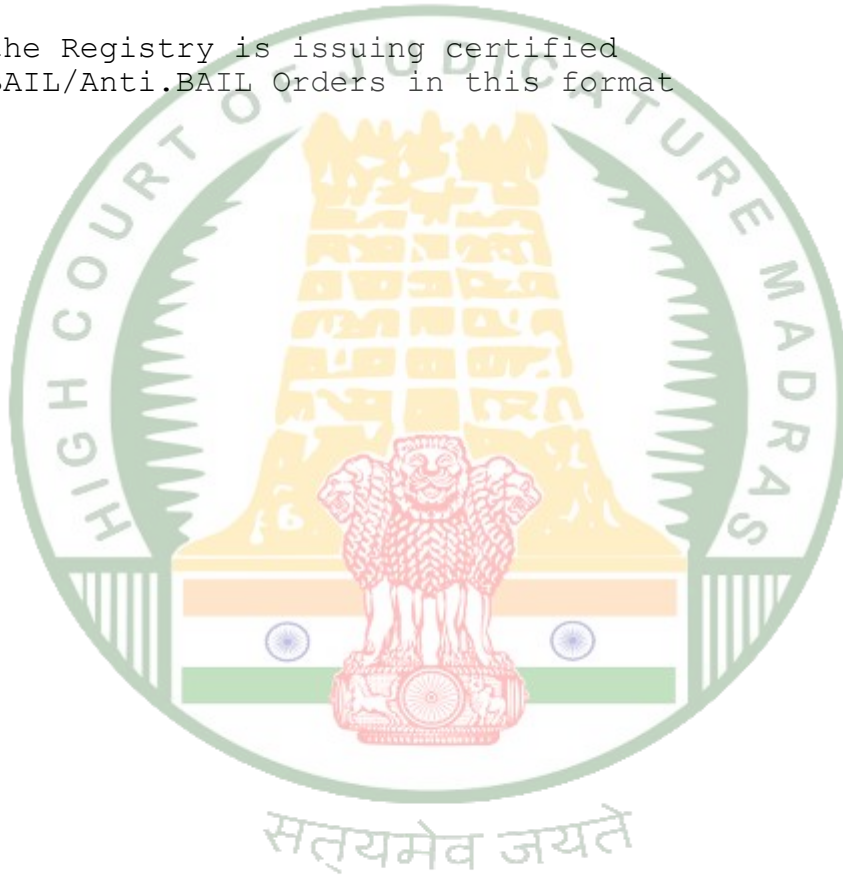
in
CRL.MP.4222/2020
in
CRL.A.258/2020

Date :30/07/2020

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

MK:17/08/2020

MK:20/08/2020



WEB COPY