

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.M.P.No.5101 of 2020

in

Crl.A.No.335 of 2020

T.Eswaramoorthy ...Petitioner/Accused

Vs.

State of represented by ...Respondent/Complainant

The Deputy Superintendent of Police

Karumathampatty Sub Division

Coimbatore District

(Crime No.176 of 2015)

Criminal Miscellaneous Petition filed under Section 389(1) r/w 439 Cr.P.C. to suspend the sentence imposed on the petitioner by judgment and order dated 24.07.2020 passed in Spl.S.C.No.19 of 2016 on the file of the Principal District and Sessions Court, Coimbatore and to enlarge the petitioner on bail till the disposal of the appeal.

For Petitioner : Mr.A.Thiyagarajan

For Respondent : Mr.K.Madhan

सत्यमेव जयते
Government Advocate (Crl. Side)

ORDER

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 24.07.2020 passed in Spl.S.C.No.19 of 2016 on the file of the Principal District and Sessions Court, Coimbatore and to enlarge the petitioner on bail till the disposal of the appeal.

3. The petitioner was tried in Spl.S.C.No.19 of 2016 before the Principal District and Sessions Court, Coimbatore, for the offences under Sections 294(b), 325 and 506(II) IPC and Section 3(1) of the Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, 1989 (for brevity "the SC/ST Act").

4. The Sessions Judge, by judgment and order dated 24.07.2020, acquitted the petitioner of the offences under Sections 294(b) and 506(II) IPC and Section 3(1)(x) of the SC/ST Act, but, convicted him of the offence under Section 325 IPC and sentenced to undergo one year simple imprisonment and to pay a fine of Rs.10,000/-, in default to undergo three months simple imprisonment.

5. Challenging the above conviction and sentence, the petitioner has filed CrI.A.No.335 of 2020 along with the instant miscellaneous petition seeking suspension of sentence and bail.

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

6. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. The trial Court has suspended the sentence of imprisonment imposed on the petitioner under Section 389 (3) Cr.P.C. till 24.08.2020. 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.

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

(i) the petitioner shall surrender before the Principal District and Sessions Court, Coimbatore, before 17.09.2020;

(ii) on such surrender, the petitioner shall be released on bail on he executing 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, Coimbatore;

(iii) the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Principal District and Sessions Judge, Coimbatore, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and

(iv) the petitioner 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 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/-
27/08/2020

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 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
COIMBATORE.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
KARUMATHAMPATTY SUB DIVISION,
COIMBATORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.A.THIIYAGARAJAN Advocate on payment of necessary charges SR.No 6045

Order

in
CRL MP.5101/2020

Date :27/08/2020

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

MN-01/09/2020