

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.M.P.No.5156 of 2020

in Crl.A.No.331 of 2020

1.Sankar

2.Narasiman

..Petitioners/Accused1 & 2

Vs.

State represented by
The Inspector of Police,
Veppanapalli Police Station
Krishnagiri District.
(Crime No.292 of 2017)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioners by judgment and order 10.07.2020 passed in S.C.No.136 of 2018 on the file of the Principal District and Sessions Court, Krishnagiri and to enlarge the petitioners on bail till the disposal of the appeal.

For Petitioners : Mr.M.Jayachandran

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 10.07.2020 passed in S.C.No.136 of 2018 on the file of the Principal District and Sessions Court, Krishnagiri and to enlarge the petitioners on bail till the disposal of the appeal.

3. The petitioners, who were accused in S.C.No.136 of 2018 before the Principal District and Sessions Court, Krishnagiri, were convicted of the offence under Section 21 (iv) of the Mines and Minerals (Development and Regulation) Act, 1957, and sentenced them to undergo six months rigorous imprisonment and to pay a fine of Rs.15,000/-, in default to undergo six weeks simple imprisonment, each.

4. Challenging the above conviction and sentence, the petitioners have filed Crl.A.No.331 of 2020 along with the instant

miscellaneous petition seeking suspension of sentence and bail.

5. Heard Mr.M.Jayachandran, learned counsel for the petitioners and Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) for the respondent/State.

6. 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. The trial Court has suspended the sentence of imprisonment imposed on the petitioners till 10.09.2020. 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.

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

- (i) The petitioners shall surrender before the Principal District and Sessions Court, Krishnagiri, before 10.09.2020;
- (ii) After such surrender, the petitioners shall be released on bail on they executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), each, 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, Krishnagiri;
- (iii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Principal District and Sessions Court, Krishnagiri may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- (iv) 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/-

28/08/2020

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, KRISHNAGIRI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VEPPANAPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

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

Order

in
CRL MP.5156/2020

in CrI.A.No.331 of 2020

Date :28/08/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 03/09/2020