

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.M.P.No.7490 of 2019

in

Crl.A.No.333 of 2019

Magudamurthi,
S/o.Kolanchinathan @ Kolanchi,
Mariamman Koil Street,
Manavalanallur Village,
Virudhachalam Taluk,
Cuddalore District. ... Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.
(Crime No.745 of 2015) ..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 21.02.2019 passed in S.C.No.1 of 2016 on the file of
the Sessions Court, Cuddalore and to enlarge the petitioner on bail
till the disposal of the appeal.

For Petitioner : Mr.K.A.Mariappan

For Respondents : 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 petitioner by judgment
and order dated 21.02.2019 passed in S.C.No.1 of 2016 on the file of
the Sessions Court, Cuddalore and to enlarge the petitioner on bail
till the disposal of the appeal.

3. The petitioner, who was an accused in S.C.No.1 of 2016
before the Sessions Court, Cuddalore, 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.1,000/-, in default to
undergo one year rigorous imprisonment.

4. Challenging the above conviction and sentence, the petitioner has filed CrI.A.No.333 of 2019 along with the instant miscellaneous petition seeking suspension of sentence and bail.

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

6. It is the case of the prosecution that the petitioner is the nephew of the deceased and on 17.09.2015, there was a quarrel between them, in which, it is alleged that the petitioner assaulted the deceased with a wooden log, which turned out to be fatal.

7. 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. Moreover the petitioner has been in incarceration from 21.02.2019. 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.

8. 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 Sessions Court, Cuddalore;
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge, Cuddalore, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- (iii) 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/-

07/08/2020

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 SESSIONS JUDGE
CUDDALORE

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
VIRUDACHALAM POLICE STATION,
CUDDALORE DISTRICT.

C.C. to M/S.K.A.MARIAPPAN Advocate on payment of necessary
charges

Order

in
CRL MP.7490/2019

in
CRL A.333/2019

Date: 07/08/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 18/08/2020

सत्यमेव जयते

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