

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.M.P.No.5731 of 2020

in

CrI.A.No.380 of 2020

Mani @ Appusamy

.. Petitioner/Appellant

Vs.

The State represented by
The Deputy Superintendent of Police,
Tiruchengode Sub Division, Tiruchengode.
Namakkal District.
Crime No.426/2010
of Tiruchengode Rural P.S.

.. Respondent

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence of simple imprisonment for one year and to pay a fine of Rs.1000/- in default to undergo simple imprisonment for one month for the offence u/s 147 IPC and simple imprisonment for one year and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for one month for the offence u/s 323 r/w 149 IPC. (Totally Rs.2000/-) imposed on the petitioner and releasing him on bail pending disposal of this appeal.

For Petitioner : Mr.T.S.Arthanareeswaran

For Respondent : Mrs.P.Kritika Kamal
Government Advocate
(CrI. 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 20.08.2020 passed in S.C.No.115 of 2018 on the file of the Sessions Judge, Special Court for SC & ST (PoA) Act, Namakkal and to release him on bail pending disposal of the appeal.

3. The petitioner, who was one of the accused in S.C.No.115 of 2018 before the Sessions Judge, Special Court for SC & ST (PoA) Act, Namakkal, was convicted and sentenced as follows:

S.No.	Provision under which convicted	Sentence
1	Section 147 IPC	One year simple imprisonment and fine of Rs.1,000/-, in default to undergo one month simple imprisonment.
2	Section 323 r/w 149 IPC	- do -

The aforesaid sentences were ordered to run concurrently.

4. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.380 of 2020 along with the instant miscellaneous petition seeking suspension of sentence and bail.

5. Heard Mr.T.S.Arthanareeswaran, learned counsel for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) appearing 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 initially suspended the sentence under Section 389 (3) Cr.P.C. till 21.09.2020 and subsequently, extended the same till 28.09.2020. 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 Sessions Judge, Special Court for SC & ST (PoA) Act, Namakkal, within a period of two weeks from the date of receipt of a copy of this order;
- (ii) After 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 Sessions Judge, Special Court for SC & ST (PoA) Act, Namakkal;
- (iii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge, Special Court for SC & ST (PoA) Act, Namakkal, 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 their absence, as directed by the trial Court.

8. The Trial Court shall disburse the compensation amount of Rs.25,000/- to PW-1.

-sd/-
25/09/2020

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,
SPECIAL COURT FOR SC & ST (POA) ACT,
NAMAKKAL.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
TIRUCHENGODE SUB DIVISION, TIRUCHENGODE,
NAMAKKAL DISTRICT IN CR.NO.426/2010 OF
TIRUCHENGODE RURAL P.S.

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

Order
in
CRL MP.5731/2020

in
CRL.A.380/2020

Date :25/09/2020

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