

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION NO.13911 OF 2019

IN CRL.A.NO.654 OF 2019

RAMARASU

[PETITIONER / APPELLANT]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
VELLITHIRUPPUR POLICE STATION,
ANTHIYUR CIRCLE,
ERODE DISTRICT
(CRIME NO.65 OF 2017).

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.654 OF 2020 on the file of the High Court, the High Court will be pleased to suspend the conviction imposed against accused vide Judgment of the IV Additional District and Sessions Judge, Erode District at Bhavani in Sessions Case No.86 of 2018 dated 30.7.2019 and enlarge the petitioner on bail pending disposal of the CRL.A.NO.654 OF 2020 [IN CRL.MP.NO.13911 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.654 OF 2020 on the file of the High Court and upon hearing the arguments of M/S. C.KULANTHAIVEL, Advocate for the petitioner and of MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner faced trial in S.C.No.86 of 2018 on the file of learned IV Additional District and Sessions Judge, Bhavani. Under judgment dated 30.07.2019, the trial Court, while acquitting the petitioner under Section 294b IPC, found him guilty under Section 304 IPC and convicted him and sentenced to undergo imprisonment for 5 years and to pay a fine of Rs.5,000/-, in default, to undergo imprisonment for a further period of six months. Against the same, the petitioner has filed this Criminal Appeal along with the petition seeking suspension of sentence.

2.It is submitted by the learned counsel for the petitioner/accused that there are several infirmities and inconsistencies in the prosecution case and there are also contradictions in material particulars in the evidence of the prosecution. The learned counsel also submitted that there are arguable points available in this Criminal Appeal, which is not likely to be taken up for final hearing in the near future and hence, the substantive sentence imposed against the petitioner may be suspended.

3.Heard learned Additional Public Prosecutor on the submissions made by the learned counsel for petitioner.

4.Considering the facts and circumstances of the case and taking into account the submissions made by the learned counsel on either side, this Court is of the view that the petitioner herein can be granted the relief of suspension of sentence.

5.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner herein is directed to be enlarged on bail on the following conditions:-

- a) The Petitioner/Accused is directed to 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 learned Judicial Magistrate No.II, Bhavani;
- b) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities; and
- c) The Petitioner/ Accused 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, due to unavoidable circumstances, he shall make arrangements to file an application under Section 317 of Cr.PC. and shall appear before the Trial Court on any other day in lieu of his absence, as directed by the Trial Court. Such an application shall not be entertained often.

-sd/-
05/02/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE IV ADDITIONAL DISTRICT AND
SESSIONS JUDGE, BHAVANI

2 THE JUDICIAL MAGISTRATE,
NO.II, BHAVANI.

3 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
VELLITHIRUPPUR POLICE STATION,
ANTHIYUR CIRCLE, ERODE DISTRICT.

+1C.C. to M/S. C.KULANTHAIVEL Advocate on payment of
necessary charges SR NO.9157

Order

in
CRL MP.13911/2019
in
CRL.A.654/2019

Date :05/02/2020

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MK:19/02/2020

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