



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Sixth day of January Two Thousand Twenty

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PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.19266 of 2019

IN CRL.A.NO.926 OF 2019

K.S.MYLESWAMY

[PETITIONER / APPELLANT]

Vs

STATE REP.BY

[RESPONDENT / RESPONDENT]

INSPECTOR OF POLICE,
THUDIYALUR POLICE STATION,
COIMBATORE.
CRIME NO.504/2014.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.926/2019. on the file of the High Court, the High Court will be pleased to enlarge the petitioner on bail by suspending the sentence imposed on him in S.C.No.3 of 2017 on the file of the 2nd Additional Assistant Sessions Judge, Coimbatore dated 26.11.2019 pending disposal of the above Crl.A.No.926/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.926/2019 on the file of the High Court and upon hearing the arguments of M/S.S.GUNALAN, Advocate for the petitioner and of M/S.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner faced trial in S.C.No.3 of 2017 on the file of the learned II Additional Assistant Sessions Judge, Coimbatore. Under judgment dated 26.11.2019, the trial Court convicted and sentenced the petitioner / accused of the offences as tabulated hereunder:-

Convicted of the Offence	Sentenced
Under Section 435 IPC	to undergo rigorous imprisonment for seven years and to pay a fine of Rs.1000/- in default to undergo rigorous imprisonment for one month.
Under Section 307 (3 counts)	to undergo ten years rigorous imprisonment for each count and to pay a fine of Rs.1,000/- in default to undergo rigorous imprisonment for one month.



2.As against the aforesaid conviction and sentence, the petitioner has filed the Criminal Appeal along with this petition seeking suspension of sentence.

3.It is submitted by the learned counsel for the petitioner / accused that the amount of fine had already been paid, as directed by the trial Court in its judgment. The learned counsel further submitted 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.

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

5.Considering the facts and circumstances of the case and taking into consideration the submissions made by the learned counsel for the petitioner, this Court is of the view that the petitioner herein can be granted the relief of suspension of sentence.

6.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 shall deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of SC.No.3 of 2017 before the Trial Court, within a period of three weeks from the date of receipt of a copy of this order;
- b) On such deposit being made, the Trial Court shall redeposit the said amount in a Fixed Deposit Account, in any one of the Nationalized Banks, renewable thereafter periodically. The disbursal of this amount shall be decided at the culmination of the Criminal Appeal.
- c) Thereafter, the petitioner/Accused 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 learned Judicial Magistrate No.I, Coimbatore;
- d) 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.



e) The Petitioner/Accused shall appear before the Trial Court at 10.30 a.m. on the first working day of every English Calendar Month, 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.

f) On the failure of the Petitioner/Accused, depositing the said amount, it is open to the Trial Court to commit the Petitioner/ Accused into custody for undergoing the sentence.

-sd/-
06/01/2020

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 II ADDITIONAL ASSISTANT SESSIONS JUDGE,
COIMBATORE.

2 THE JUDICIAL MAGISTRATE,
NO.I, COIMBATORE.

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE



5 THE INSPECTOR OF POLICE,
THUDIYALUR POLICE STATION,
COIMBATORE.

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6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.S.GUNALAN Advocate on payment of necessary charges
SR.No.238

Order

in
CRL MP.19266/2019

in
CRL.A.No.926/2019

Date :06/01/2020

From 7.2.2001 the Registry is issuing certified
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