

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 11.02.2021

PRONOUNCED ON : 09.04.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.164 of 2021

in Crl.A.No.8 of 2021

1.Raji
2.M.Somu
3.A.Babu
4.R.Babu

... Petitioners/AA 1 to 4

Vs.

State represented by
The Inspector of Police,
Vazhapanthal Police Station.
(Crime No.15 of 2011)

... Respondent/Complainant

Criminal Miscellaneous Petition filed under Sections 389 and 439 Cr.P.C. to suspend the sentence imposed on the petitioners by judgment and order dated 30.11.2020 passed in S.C.No.110 of 2014 on the file of the II Additional District and Sessions Court, Vellore, Ranipet and to enlarge the petitioners on bail pending disposal of the appeal.

For Petitioners : Mr.J.Pavithra

For Respondent : Mr.R.Prathap Kumar

Additional Public Prosecutor

ORDER

This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioners by judgment and order dated 30.11.2020 passed in S.C.No.110 of 2014 on the file of the II Additional District and Sessions Court, Vellore, Ranipet and to enlarge the petitioners on bail pending disposal of the appeal.

2. The petitioners, who were the accused 1 to 4 in S.C.No.110 of 2014 before the II Additional District and Sessions Court, Vellore, Ranipet, were convicted and sentenced as follows on 30.11.2020:

<https://hcservices.ecourts.gov.in/hcservices/>

Accused	Provision under which convicted	Sentence
Raji (A1) M.Somu (A2) A.Babu (A3) R.Babu (A4)	Section 302 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo six months simple imprisonment, each.

3. Challenging the above conviction and sentence, the petitioners have filed CrI.A.No.8 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.J.Pavithra, learned counsel for the petitioners and Mr.R.Prathap Kumar, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that a wordy quarrel ensued between the grandson of the deceased Munirathinam Pillai and Raji (A1) two days prior to 21.02.2021, in which, Munirathinam Pillai intervened on behalf of his grandson and upbraided Raji (A1). It is alleged that on 21.02.2011, the petitioners herein waylaid Munirathinam Pillai and attacked him with stones resulting in the death of Munirathinam Pillai on 23.02.2011.

6. It is seen that the complaint in this case was registered only on 23.02.2011 and the case was initiatlly registered for the offence under Section 307 Cr.P.C. and only after the death of Munirathinam Pillai, Section 302 IPC was included.

7. It is seen that the prosecution case rests on the evidence of Jeyasankar (PW3), who is the grandson of Munirathinam Pillai.

8. The petitioners have raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioners have been in incarceration from 30.11.2020. Further, the appeal is not likely to be taken up in the near future. 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.

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

- (i) The petitioners shall execute a bond for a sum of Rs.25,000/-,each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the II Additional District and Sessions Court, Vellore, Ranipet;
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- (iii) The petitioners shall appear before the respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, 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/-
09/04/2021

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 II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
VELLORE, RANIPET.

2 THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VAZHAPANTHAL POLICE STATION.

+4C.C. to M/S.M.JAIKUMAR Advocate on payment of necessary charges SR NO.4589

Order

in
CRL MP.164/2021

in
CRL A.8/2021

Date :09/04/2021

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

MK:09/04/2021



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