

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2021

CORAM

THE HON'BLE MR. JUSTICE **P.N.PRAKASH**
AND
THE HON'BLE MR. JUSTICE **V.SIVAGNANAM**

Crl.M.P.No.1154 of 2021
in Crl.A.No.352 of 2020

Kannadasan

.. Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Poraiyur Police Station,
Nagapattinam District.
(Crime No.159 of 2010)

.. 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
03.06.2016 passed in S.C.No.87 of 2011 on the file of the and to enlarge the
petitioner on bail pending the disposal of the appeal.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.K.Prabhakar
Additional Public Prosecutor

ORDER

(Order of the Court was made by *V.SIVAGNANAM, J.*)

This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order dated 03.06.2016 passed in S.C.No.87 of 2011 on the file of the District and Sessions Court, Nagapattinam and to enlarge the petitioner on bail pending the disposal of the appeal.

2. The petitioner, who was an accused in S.C.No.87 of 2011 before the District and Sessions Court, Nagapattinam, was convicted and sentenced as follows on 03.06.2016:

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1	Section 294(b) IPC	One month rigorous imprisonment and fine of Rs.5,000/-, in default to undergo one week rigorous imprisonment.
2	Section 302 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo one year rigorous imprisonment.

The aforesaid sentences were ordered to run concurrently.

3. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.352 of 2020 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.R.Sankarasubbu, learned counsel for the petitioner

and Mr.K.Prabhakar, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that the petitioner and his younger brother had a quarrel, in which, the appellant is alleged to have attacked his younger brother resulting in the death of the latter.

6. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner has been in incarceration from the date of judgment viz., 03.06.2016. 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 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 execute a bond for a sum of Rs.25,000/- , with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the District and Sessions Court, Nagapattinam;

(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 petitioner shall appear before the respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, 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.

(P.N.P.,J.) (V.S.G.,J.)
12.02.2021

nsd

सत्यमेव जयते

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To

1. The District and Sessions Judge,
Nagapattinam.
2. The Superintendent of Prison,
Central Prison,
Cuddalore.
3. The Inspector of Police,
Poraiyur Police Station,
Nagapattinam District.
4. The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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