

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM

THE HON'BLE MR. JUSTICE P.N.PRAKASH

AND

THE HON'BLE MR. JUSTICE V.SIVAGNANAM

CrI.M.P.No.2113 of 2020

in CrI.A.No.235 of 2019

Waseem

... Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore.
(Crime No.443 of 2015)

... 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 14.10.2017 passed in S.C.No.113 of 2016 on the file of the II Additional Sessions Court, (Special Court for Bomb Blast Cases), Coimbatore and to enlarge the petitioner on bail till the disposal of the appeal.

For Petitioner : Mr.A.Abdul Lathif

For Respondent: Mr.K.Prabhakar
Additional Public Prosecutor

O R D E R

(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 14.10.2017 passed in S.C.No.113 of 2016 on the file of the II Additional Sessions Court, (Special Court for Bomb Blast Cases), Coimbatore and to enlarge the petitioner on bail till the disposal of the appeal.

2. The petitioner, who was an accused in S.C.No.113 of 2016 before the II Additional Sessions Court, (Special Court for Bomb Blast Cases), Coimbatore, was convicted of the offence under Section 302 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.1,000/-, in default to undergo three months simple imprisonment.

3. Challenging the above conviction and sentence, the petitioner has filed CrI.A.No.235 of 2019 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.A.Abdul Lathif, learned counsel for the petitioner and Mr.K.Prabhakar, learned Additional Public Prosecutor appearing for the respondent/State.

5. The learned counsel for the petitioner submitted that there is no direct evidence to connect the petitioner with the alleged offence. He further submitted that the petitioner has been in incarceration since 14.10.2017 and pleaded for suspension of sentence and bail.

6. The learned Additional Public Prosecutor submitted that there are sufficient materials to support the prosecution case and objected the grant of suspension of sentence and bail to the petitioner.

7. We have considered the submissions made by the learned counsel on both sides and perused the records.

8. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner has been in incarceration from 14.10.2017. 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.

9. 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 Judicial Magistrate No.VII, Coimbatore;

(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 trial Court 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.

-sd/-
21/01/2021

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 SESSIONS JUDGE,
(SPECIAL COURT FOR BOMB BLAST CASES),
COIMBATORE.

2 THE JUDICIAL MAGISTRATE,
NO.VII, COIMBATORE.

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
KUNIYAMUTHUR POLICE STATION,
COIMBATORE.

7 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

+1 C.C. to M/S.A.ABDUL LATHIF Advocate on payment of necessary
charges SR.No.799

Order

in
CRL MP.2113/2020
in
CRL.A.235/2019

Date :21/01/2021