

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2021

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.M.P.No.878 of 2021

in

Crl.A.No.39 of 2021

V.Ashokkumar

... Petitioner

Vs.

The State

Represented by Inspector of Police

Parangipettai Police Station,

(Crime No.237 of 2012)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence imposed by the learned Sessions Judge, Mahila Court, Cuddalore in S.C.No.20 of 2016 dated 23.12.2020 and enlarge the petitioner on bail pending criminal appeal.

For Petitioner : Mr.K.Sukumaran

For Respondent : Mr.R.Suryaprakash
Government Advocate

O R D E R

The petitioner has filed a petition seeking to suspend the sentence and release the petitioner on bail pending disposal of the above Criminal Appeal in C.A.No.39 of 2021 filed against S.C.No.20 of 2016 pending on the file of the Sessions Judge, Mahila Court, Cuddalore.

2. Learned counsel for the petitioner would submit that there are several infirmities and inconsistencies in the prosecution case and there are arguable points in the main criminal appeal.

3. Mr.R.Suryaprakash learned Govt. Advocate takes notice for the respondent and would strongly object the petition and submits that the petitioner was convicted for the offence u/s.324 r/w.Section 34 IPC on two counts and sentenced to undergo two years simple imprisonment and pay a fine of Rs.5000/- in default payment of fine, shall undergo simple imprisonment for a period of six months on each count.

4. Considering the submission made by the learned counsel for the petitioner and also considering the fact that there are arguable points in the appeal and records has to be received from the trial court and typed set has to be prepared for hearing of criminal appeal, this Court is of the view that the petitioner herein may be granted the relief of suspension of sentence.

5. In view of the above, this Court is inclined to grant bail to the petitioner. Accordingly, the substantive sentence of imprisonment alone is suspended till the disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Portonovo. Further, the petitioner is directed to appear before the District Munsif-cum-Judicial Magistrate, Portonovo at 10.30 a.m. on the first working day of every month pending appeal.

-sd/-

02/02/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PORTONOVO

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE SESSIONS JUDGE,
MAHILA COURT, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 INSPECTOR OF POLICE,
PARANGIPETTAI POLICE STATION,
CUDDALORE

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

C.C. to M/S.K.SUKUMARAN Advocate on payment of necessary
charges SR.1005

Order

in
CRL MP.878/2021

in
CRL A.39/2021

Date :02/02/2021

From 7.2.2001 the Registry is issuing certified
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RVR 04/02/2021