

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2021

CORAM

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

AND

THE HON'BLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.1000 of 2021

in

Crl.A.No.47 of 2021

1.Arulselvam
2.Palpandi

... Petitioners/AA 1 & 2

Vs.

State represented by
The Inspector of Police,
Attaiyampatti Police Station,
Salem District.
(Crime No.26 of 2018)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioners by judgment and order dated 11.01.2021 passed in S.C.No.133 of 2019 on the file of the I Additional District and Sessions Court, Salem and to enlarge the petitioners on bail pending the disposal of the appeal.

For Petitioners : Mr.R.Nalliyappan

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 petitioners by judgment and order dated 11.01.2021 passed in S.C.No.133 of 2019 on the file of the I Additional District and Sessions Court, Salem and to enlarge the petitioners on bail pending the disposal of the appeal.

2. When this brought to the notice of the learned counsel for the petitioners that the judgment was delivered only on 11.01.2021, the learned counsel for the petitioners sought permission of this Court to withdraw this petition qua Arulselvam (A1), first petitioner herein.

3. Accordingly, this criminal miscellaneous petition is dismissed as withdrawn qua Arulselvam (A1), first petitioner, with liberty to him to file a fresh petition for suspension of sentence and bail after efflux of time.

4. Palpandi (A2), second petitioner herein, who was the second accused in S.C.No.133 of 2019 before the I Additional District and Sessions Court, Salem, was convicted of the offence under Section 201 r/w 302 IPC and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one month simple imprisonment.

5. Challenging the above conviction and sentence, Palpandi (A2) has filed Crl.A.No.47 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

6. Heard Mr.R.Nalliyappan, learned counsel for the petitioners and Mr.K.Prabhakar, learned Additional Public Prosecutor appearing for the respondent/State.

7. Palpandi (A2) has raised substantial grounds in the appeal which require detailed appraisal. Moreover, Palpandi (A2) has been in incarceration from 11.01.2021. In such view of the matter, this Court is of the view that Palpandi (A2) is entitled to the relief of suspension of sentence and bail.

8. Accordingly, the relief of suspension of sentence and bail is granted to Palpandi (A2) on the following conditions:

- (i) Palpandi (A2) 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 I Additional District and Sessions Court, Salem;
- (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) Palpandi (A2) shall appear before the respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, Palpandi (A2) 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/-

03/03/2021

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 JUDICIAL MAGISTRATE,
NO.4, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 I ADDITIONAL DISTRICT AND
SESSIONS JUDGE,
SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT,
MADRAS.

5 INSPECTOR OF POLICE,
ATTAIYAMPATTI POLICE STATION,
SALEM DISTRICT.

WEB COPY

6 THE SUPERINTENDENT,
CENTRAL PRISON,
COIMBATORE.

C.C. to M/S. R.NALLIYAPPAN Advocate on payment of necessary
charges Sr.2682

Order

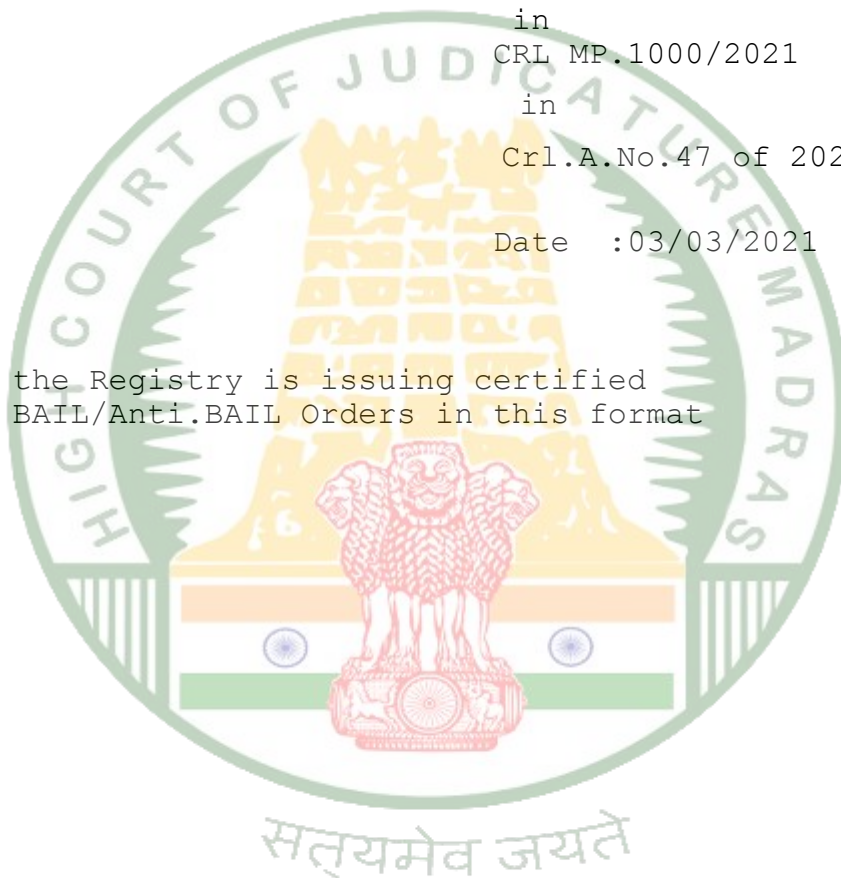
in
CRL MP.1000/2021

in
Crl.A.No.47 of 2021

Date :03/03/2021

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

RVR 04/03/2021



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