

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.2999 of 2019

in Crl.A.No.116 of 2019

Siva

....Petitioner/Accused

Vs.

State represented by
The Inspector of Police
Katpadi Police Station
Vellore District
(Crime No.231 of 2014)

.... 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 28.06.2017 passed in S.C.No.82 of 2015 on the file of the Sessions Court, Magalir Neethi Mandram, (Fast Track Mahila Court), Vellore and to enlarge the petitioner on bail pending the disposal of the appeal.

For Petitioner : Mr.C.Prabakaran

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 28.06.2017 passed in S.C.No.82 of 2015 on the file of the Sessions Court, Magalir Neethi Mandram, (Fast Track Mahila Court),

Vellore and to enlarge the petitioner on bail pending the disposal of the appeal.

2. The petitioner, who was an accused in S.C.No.82 of 2015 before the Sessions Court, Magalir Neethi Mandram, (Fast Track Mahila Court), Vellore, was convicted of the offence under Section 302 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.5,000/-, in default to undergo two months simple imprisonment.

3. Challenging the above conviction and sentence, the petitioner has filed CrI.A.No.116 of 2019 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.C.Prabakaran, 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 on 18.07.2014 at 10.00 p.m., the petitioner with the intention to murder the deceased Kathar Bee, picked up quarrel with her, stabbed her with a knife and caused her death.

6. It is seen that all the witnesses in this case turned hostile and there is no sufficient evidence to support the prosecution case.

7. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner has been in incarceration from 28.06.2017. 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.

8. 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 Sessions Court, Magalir Neethi Mandram, (Fast Track Mahila Court), Vellore;
- (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.

-sd/-

18/03/2021

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 SESSIONS JUDGE,
MAGALIR NEETHI MANDRAM,
(FAST TRACK MAHILA COURT), VELLORE.

2 THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KATPADI POLICE STATION,
VELLORE DISTRICT.

+1 C.C. to M/S.C.PRABAKARAN Advocate on payment of necessary charges SR.NO.3615

Order

in

CRL MP.2999/2019

in

CRL A.116/2019

Date :18/03/2021

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

TA-23/03/2021

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