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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Crl.M.P.No.5387 of 2021

in Crl.A.No.195 of 2021

1.Raja
2.Selvaraj

..Petitioners/Accused 2 & 4

Vs.

State represented by
The Inspector of Police,
Veeranam Police Station,
Salem District.
(Crime No.297/2013)

..Respondent/Complainant

Criminal Miscellaneous Petition filed under Sections 389(1) Cr.P.C. to suspend the sentence imposed on the petitioners by judgment and order dated 18.03.2021 passed in S.C.No.372 of 2016 on the file of the III Additional District and Sessions Court, Salem and to enlarge the petitioners on bail pending disposal of the appeal.

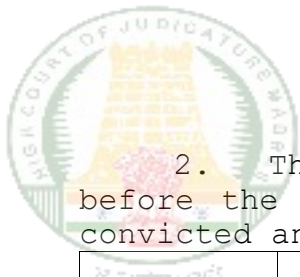
For petitioners : Mr.S.Parthasarathy

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

(Made by *P.N.PRAKASH, J.*)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioners by judgment and order dated 18.03.2021 passed in S.C.No.372 of 2016 on the file of the III Additional District and Sessions Court, Salem and to enlarge the petitioners on bail pending disposal of the appeal.



2. The petitioners, who were AA 2 and 4 in S.C.No.372 of 2016 before the III Additional District and Sessions Court, Salem, were convicted and sentenced as follows on 18.03.2021:

Accused	Provision under which convicted	Sentence
Raja (A2)	Section 120-B IPC	Life imprisonment.
	Section 148 IPC	Two years rigorous imprisonment.
	Section 294(b) IPC	Fine of Rs.1,000/-, in default to undergo one month rigorous imprisonment.
	Section 302 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo six months rigorous imprisonment.
	Section 324 IPC	Two years rigorous imprisonment.
Selvaraj (A4)	Section 120-B IPC	Life imprisonment.
	Section 148 IPC	Two years rigorous imprisonment.
	Section 294(b) IPC	Fine of Rs.1,000/-, in default to undergo one month rigorous imprisonment.
	Section 302 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo six months rigorous imprisonment.

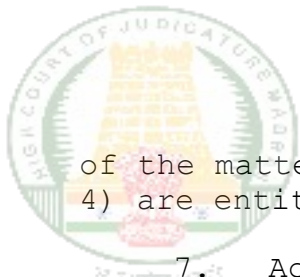
The aforesaid sentences were ordered to run concurrently.

3. Challenging the above conviction and sentences, the petitioners (AA 2 & 4) have filed CrI.A.No.195 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.S.Parthasarathy, learned counsel for the petitioners (AA 2 & 4) and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that on account of boundary dispute between the petitioners' family and the deceased Murugan's family, a quarrel ensued on 01.08.2013, in which, it is alleged that the petitioners' family had attacked the deceased Murugan's family, in which, the deceased Murugan sustained injuries and later died.

6. The petitioners (AA 2 & 4) have raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioners have been in incarceration since 18.03.2021. 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 petitioners (AA 2 & 4) are entitled to the relief of suspension of sentence and bail.

7. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioners (AA 2 & 4) on the following conditions:

- (i) The petitioners (AA 2 & 4) 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 III 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 and mobile numbers to ensure their identity; and
- (iii) The petitioners (AA 2 & 4) shall appear before the respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioners (AA 2 & 4) 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 they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.

-sd/-
15/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

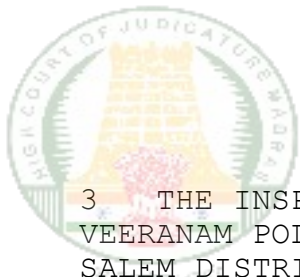
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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE III ADDITIONAL DISTRICT
AND SESSIONS COURT, SALEM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



3 THE INSPECTOR OF POLICE,
VEERANAM POLICE STATION,
SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 C.C. to M/S.S.PARTHASARATHY Advocate on payment of necessary
charges SR.NO.14859

Order

in
CRL MP.5387/2021
in
CRL A.195/2021

Date :15/12/2021

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TA-16/12/2021