

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2021

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.M.P.No.5456 of 2021

in

Crl.A.No.200 of 2021

Suriyamoorthy

... Petitioner

Vs.

State by

The Deputy Superintendent of Police,

The Deputy Superintendent Office,
Kallakurichi & District.

Crime No.134 of 2011

... Respondent

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. r/w. Section 439 Cr.P.C. to suspend the sentence of imprisonment imposed in the judgment dated 01.02.2021 made in S.C.No.3 of 2015 on the file of the District Mahila (Fast Track) court, Villupuram, and enlarge the petitioner on bail pending disposal of the above criminal appeal before this Honble court.

For Petitioner : Mr.V.Gunasekar

ORDER

The petitioner/appellant has been convicted and sentenced by the Sessions Judge, District Mahila (Fast Track) Court, Villupuram, in S.C.No.3 of 2015, as follows :

<i>Provision under which convicted</i>	<i>Sentence</i>
Section 304-B IPC	Rigorous Imprisonment for a period of seven years

2.The learned counsel appearing for the petitioner contended that the petitioner/appellant has got good chance of success in the present appeal filed before this Court. Therefore, he prayed for suspension of sentence and grant of bail.

3.Heard the learned counsel for the petitioner/appellant.

4.The appellant has arguable points in the appeal, which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. In such view of the matter and taking into consideration the facts and circumstances of the case, this Court is of the view that the petitioner/appellant is entitled to the relief of suspension of sentence and

grant of bail.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner/appellant is granted bail on the following conditions :

(a) the petitioner/appellant shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent, Central Jail, Cuddalore, and on such execution, the petitioner shall be released from prison on bail;

(b) after the lockdown restrictions are lifted and normalcy is restored, the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one of whom shall be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, District Mahila (Fast Track) Court, Villupuram, and the same shall be executed within a reasonable period of one month from the date the lockdown restrictions are lifted.

(c) If for any reason, the petitioner is not able to execute bond within the specified time, the petitioner shall approach this Court and file a petition seeking extension of time for the same.

(d) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge shall obtain a copy of their Aadhar card or Voter ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Sessions Judge, District Mahila (Fast Track) Court, Villupuram.

(e) on release, the petitioner/appellant shall appear before the trial Court on the first working day of every month, 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.

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

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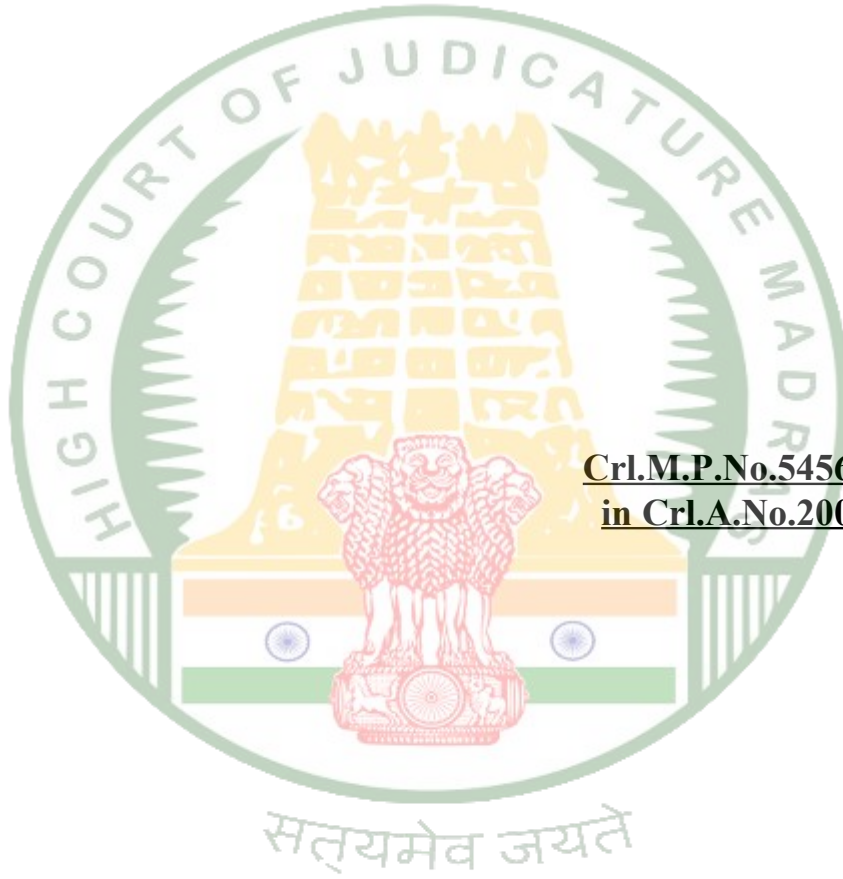
- 1.The Sessions Judge,
District Mahila (Fast Track) Court,
Villupuram.
- 2.The Deputy Superintendent of Police,
Kallakurichi & District.
- 3.The Superintendent,
Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras.



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N. SATHISH KUMAR, J.

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