

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Fifth day of May Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice G.R.SWAMINATHAN

CRIMINAL MISCELLANEOUS PETITION No.5653 of 2021

IN CRL A.169/2021

ANJAPPAN

[ PETITIONER ]

Vs

STATE

[ RESPONDENT ]

THE INSPECTOR OF POLICE,  
ENNORE POLICE STATION,  
CHENNAI-600 057,  
THIRUVALLUR DISTRICT.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence made in S.C.No.308 of 2016 on the file of the IV Additional District and Sessions Judge, Thiruvallur @ Ponneri, order dated 09.02.2021 and release the petitioner / appellant/ accused on bail, pending disposal of the above criminal appeal No.169/2021.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.R.KARTHIKEYAN, Advocate for M/S.P.UDHAYASHANKAR, Advocate for the petitioner, and of M/S.V.SARATHA DEVI, Govt. Advocate (Crl. Side) on behalf of the Respondent, the court made the following order:-

The petitioner was found to be guilty of offences under Section 306 IPC by the impugned judgment dated 09.02.2021, on the file of the IV Additional District and Sessions Judge, Thiruvallur @ Ponneri.

2. The learned counsel appearing for the petitioner states that except the official witnesses, all the other witnesses turned hostile and he would also state that the finding of guilt is predicated on the suicide note.

3. On going through the contents of the suicide note and none of the ingredients of the offence under Section 306 IPC appear to be present and therefore, the petitioner has an arguable case in the

main appeal. accordingly the sentence imposed on the petitioner is suspended.

4. Accordingly the sentence imposed on the petitioner is suspended and the appellant is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Tiruvotriyur and on further conditions that:

[a] the appellant shall report before the respondent police daily at 10.30.a.m until further orders.

[b] the appellant shall not abscond either during investigation or trial.

[c] the appellant shall not tamper with evidence or witness either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

05/05/2021

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

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

TO

1 THE IV ADDITIONAL DISTRICT  
AND SESSIONS JUDGE, THIRUVALLUR, PONNERI.

2 THE JUDICIAL MAGISTRATE,  
THIRUVOTRIYUR.

3 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,  
ENNORE POLICE STATION,  
CHENNAI-600 057,  
THIRUVALLUR DISTRICT.

6 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 C.C. to M/S.P.UDHAYASHANKAR Advocate on payment of necessary  
charges SR.NO.5797

Order

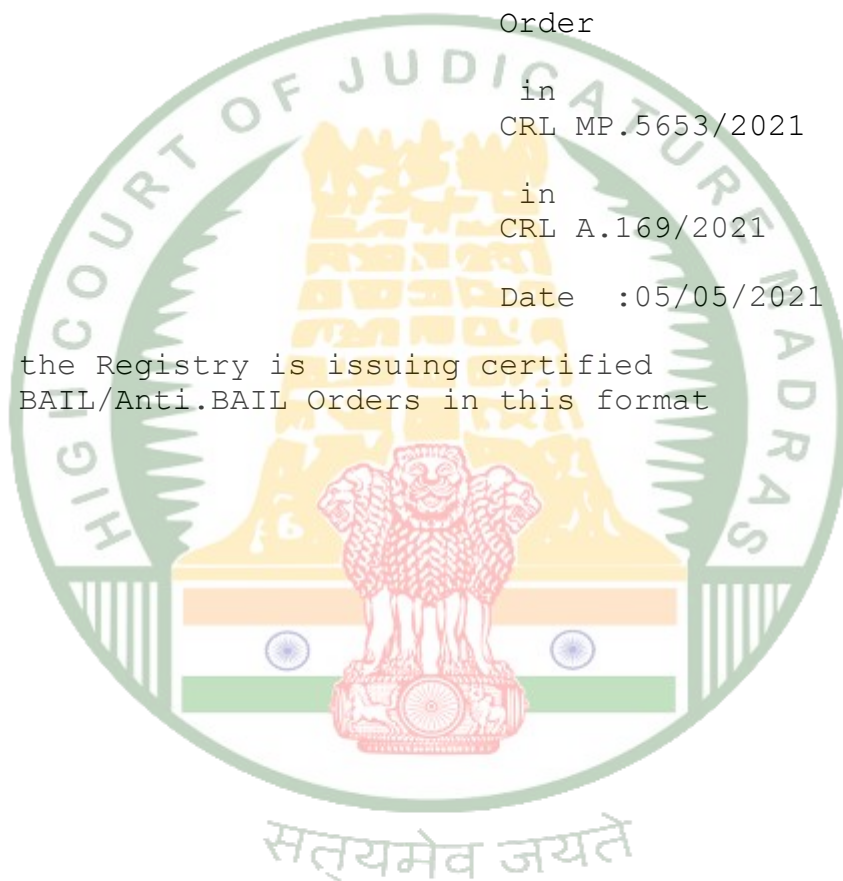
in  
CRL MP.5653/2021

in  
CRL A.169/2021

Date :05/05/2021

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TA-06/05/2021



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