

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2021

CORAM :

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

Crl.M.P.No.5956 of 2021

in

Crl.R.C.No.331 of 2021

Eswaran

... Revision Petitioner

Vs.

State represented by
The Inspector of Police,
Avinashi Police Station,
Tiruppur.

... Respondent

Criminal Miscellaneous Petition filed under Section 397(1) r/w.439 Cr.P.C. to suspend the sentence of imprisonment imposed in judgment dated 09.04.2021 in CA No.134/2019 on the file of the I Additional District and Sessions Judge, Tiruppur partly allowed and modified the sentence in the appeal against conviction and sentence imposed in judgment dated 02.12.2019 made in C.C. No.243 of 2014 on the file of the Judicial Magistrate, Avinashi and enlarge the petitioner on bail pending disposal of the above revision petition before this Court.

For Petitioner : Mr.A.Thiyagarajan

For Respondent : Mr.L.Baskaran

Counsel for Government of Tamil Nadu
(Crl. Side)

O R D E R

The petitioner has been convicted by the Judicial Magistrate, Avinashi, in C.C.No.243 of 2014, for the offences punishable under Sections 279 and 304-A IPC, and was sentenced to undergo simple imprisonment for one year for each offence. The I Additional District and Sessions Judge, Tiruppur, in C.A.No.134 of 2019, has modified the sentence, and accordingly, the petitioner was sentenced to undergo simple imprisonment for six months each under Section 279 IPC and Section 304-A IPC.

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

3.Heard Mr.L.Baskaran, learned Government Advocate (Criminal Side). He did not raise any serious objection.

4.Considering the facts and circumstances, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to surrender before the trial Court and on such surrender, he shall be released on bail on him executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate Avinashi, and on further conditions that:

(i) the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate Avinashi, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(ii) on release, the petitioner shall appear before the trial Court on the first working day of every month, until the disposal of the revision case 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.

5.This petition is ordered accordingly.

-sd/-

19/05/2021

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 JUDICIAL MAGISTRATE,
AVINASHI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUPPUR.

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4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
AVINASHI POLICE STATION,
TIRUPPUR.

C.C. to M/S.A.THIYAGARAJAN Advocate on payment of necessary
charges

Order

in
CRL.MP.NO.5956/2021

in
CRL.RC.NO.331/2021

Date :19/05/2021

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

MK:04/06/2021



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