

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2021

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.M.P.No.5960 of 2021
in
Crl.R.C.No.332 of 2021

Satheesh

... Petitioner

Vs.

State represented by its
The Inspector of Police,
Mohanur Police Station,
Namakkal District.
Crime No.63 of 2014

... Respondent

Criminal Miscellaneous Petition filed under Section 397(1)
Cr.P.C. to suspend the sentence pursuant to the judgment dated
20.11.2020 in C.A. No.24/2020 on the file of the Sessions (Fast Track
Mahila) Court, Namakkal, confirming the order of conviction and
sentence dated 29.01.2020 in SC No.07/2019 on the file of the Additional
Assistant Sessions Court, Namakkal and enlarge on bail.

For Petitioner : Mr.S.N.Arunkumar

For Respondent : Mr.A.Damodharan
Counsel for Government of Tamil Nadu
(Crl. Side)

ORDER

The learned Sessions Judge, Fast Track Mahila Court, Namakkal, in Crl.A.No.24 of 2020, has confirmed the conviction and sentence passed by the learned Additional Assistant Sessions Judge, Namakkal, in S.C.No.7 of 2019, against the petitioner, as follows :

<i>Provision under which convicted</i>	<i>Sentence</i>
Section 392 IPC	Rigorous Imprisonment for a period of seven years and a fine of Rs.1,000/- in default, to undergo six months Simple Imprisonment

2.The learned counsel appearing for the petitioner contended that the petitioner has got 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 the learned counsel on either side and perused the materials available on record.

4.The petitioner has arguable points in the revision case, which require detailed appraisal. Further, the revision case 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 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 is granted bail on the following conditions:

(a) the petitioner shall execute his own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the Superintendent, Central Prison, Coimbatore, 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties, one of whom shall be a blood relative, each for a like sum to the satisfaction of the learned Additional Assistant Sessions Judge, Namakkal, 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 Additional Assistant Sessions Judge, Namakkal.

(e) on release, the petitioner shall appear before the trial Court once in a week, 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.

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

mkn/ssr

01.06.2021
(3/3)

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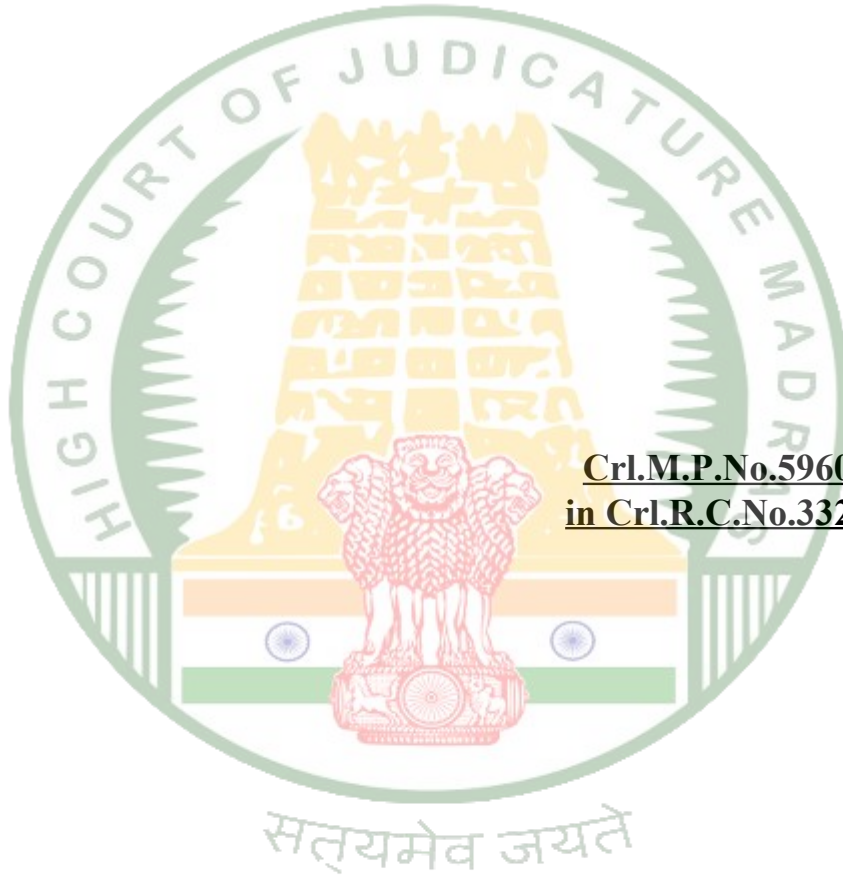
- 1.The Additional Assistant Sessions Judge,
Namakkal.
- 2.The Inspector of Police,
Mohanur Police Station,
Namakkal District.
- 3.The Superintendent,
Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.



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N. SATHISH KUMAR, J.

mkn/ssr



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