

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2021

CORAM

THE HON'BLE MR. JUSTICE P.N.PRAKASH

AND

THE HON'BLE MR. JUSTICE V.SIVAGNANAM

CrI.M.P.No.4781 of 2020

in CrI.A.No.305 of 2020

1.Murugan

2.Ragu

... Petitioners

Vs.

The State represented by

The Inspector of Police,

Thookanampakkam Police Station

... Respondent

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioners by judgment dated 31.01.2020 in S.C.No.156 of 2016 on the file of the I Additional District and Sessions Judge, Cuddalore and grant bail to the petitioners pending disposal of the appeal.

For Petitioners : Ms.Mythili Srinivas

For Respondent : Mr.K.Prabhakar,

Addl. Public Prosecutor

ORDER

(Order of the Court was made by V.SIVAGNANAM, J.)

This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioners by judgment dated 31.01.2020 in S.C.No.156 of 2016 on the file of the I Additional District and Sessions Judge, Cuddalore.

2.The petitioners have been arrayed as A1 and A3 in S.C.No.156 of 2016 on the file of the I Additional District and Sessions Judge, Cuddalore. The Trial Court, by judgment dated 31.01.2020, convicted the petitioners for the offence punishable under Section 302 r/w 34 IPC and sentenced them to undergo life imprisonment and to pay a fine of Rs.2,000/- each, in default, to undergo six months simple imprisonment.

3.Challenging the above conviction and sentence, the petitioners have filed CrI.A.No.305 of 2020 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4.Heard Ms.Mythili Srinivas, learned counsel for the petitioner and Mr.K.Prabakar, learned Additional Public Prosecutor appearing for the respondent/State.

5.It is the case of the prosecution that there was a love affair between the deceased and the daughter of the brother of the first accused, who is incidentally the sister of the third accused. Due to family enmity, the accused assaulted the deceased and committed the offence.

6.The Trial Court, based upon the evidence of P.Ws. 1 to 3, found the accused guilty and convicted them as aforesaid. The accused, while assaulting the deceased, used wooden logs and not a lethal weapon. The petitioners are under incarceration from 31.01.2020 onwards.

7.Considering the circumstances under which the offence took place and the weapon used viz., wooden logs, considering the nature of offence and considering the fact that the petitioners are in custody from 31.01.2020, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence and bail.

8.Accordingly, the relief of suspension of sentence and bail is granted to the petitioners on the following conditions:

- (i) Each of the petitioner 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 Judicial Magistrate - I, Cuddalore;
- (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 to ensure their identity; and

The petitioners shall appear before the trial Court everyday at 10.30 a.m. for a period of four weeks (iii) and thereafter, the petitioners 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/-
19/01/2021

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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, CUDDALORE.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
THOOKANAMPAKKAM POLICE STATION.

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C.C. to M/S.MYTHILI SRINIVAS Advocate on payment of necessary charges

Order

in
CRL.MP.NO.4781/2020
in
CRL.A.NO.305/2020

Date :19/01/2021

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

MK:21/01/2021



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