



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

Crl.M.P.No.6778 of 2021

in Crl.A.No.47 of 2021

Arunselvam

.. Petitioner/Accused No.1

Vs.

State represented by
The Inspector of Police,
Attaiyampatti Police Station,
Salem District.
Crime No.26 of 2018

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed on the petitioner by judgment and order dated 11.01.2021 passed in S.C.No.133 of 2019 on the file of the I Additional District and Sessions Court, Salem and to enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.R.Nalliyappan

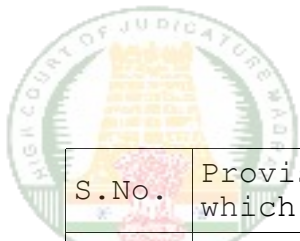
For Respondent : Mr.R.Muniyapparaj
Govt. Advocate (Crl.Side)

O R D E R

(Made by P.N.PRAKASH, J.)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 11.01.2021 passed in S.C.No.133 of 2019 on the file of the I Additional District and Sessions Court, Salem and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who was the first accused in S.C.No.133 of 2019 before the I Additional District and Sessions Court, Salem, was convicted and sentenced as follows on 11.01.2021:



S.No.	Provision under which convicted	Sentence
1	Section 302 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo six months simple imprisonment.
2	Section 201 r/w 302 IPC	Three years rigorous imprisonment and fine of Rs.1,000/-, in default to undergo one month simple imprisonment.

The aforesaid sentences are ordered to run concurrently.

3. Challenging the above conviction and sentences, the petitioner (A1) has filed CrI.A.No.47 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.R.Nalliyappan, learned counsel for the petitioner (A1) and Mr.R.Muniyapparaj, learned Government Advocate (CrI. Side) appearing for the respondent/State.

5. It is the case of the prosecution that the deceased Perumal was married to Murugeshwari and after they got estranged, Murugeshwari and the petitioner (A1) lived together for quite sometime; while that being so, Perumal wanted to rejoin Murugeshwari, on account of which, the petitioner (A1) developed enmity towards Perumal and on 13.04.2018, while the petitioner (A1) and Perumal were consuming liquor together, it is alleged that the petitioner (A1) attacked Perumal and caused his death; thereafter, with the help of Palpandi (A2), the body of Perumal was disposed of.

6. It is seen that Palpandi (A2), who was also convicted and sentenced in this case, was granted suspension of sentence and bail by this Court vide order dated 03.03.2021 in CrI.M.P.No.1000 of 2021 in CrI.A.No.47 of 2021.

7. The petitioner (A1) has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner (A1) has been in incarceration from 11.01.2021. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner (A1) is entitled to the relief of suspension of sentence and bail.

8. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioner (A1) on the following conditions:



WEB COPY

(i) The petitioner (A1) 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 I Additional District and Sessions Court, Salem;

(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

(iii) The petitioner (A1) shall appear before the respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioner (A1) 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 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.

-sd/-

26/10/2021

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 I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, SALEM

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

3 THE INSPECTOR OF POLICE,
ATTAIYAMPATTI POLICE STATION,
SALEM DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.R.NALLIYAPPAN Advocate on payment of necessary
charges SR.No.11813

Order

in
CRL MP.6778/2021

in
CRL.A.No.47/2021
Date :26/10/2021

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

APN 27/10/2021