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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.M.P.No.7438 of 2021

in

Crl.A.No.366 of 2021

Mayan @ Mariyappan

.. Petitioner/Accused No.2

Vs.

State represented by
Inspector of Police,
Singarapettai Police Station,
(Crime No.456 of 2015)

.. 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 30.11.2020 passed in S.C.No.62 of 2019 on the file of the Additional District Sessions Court, Krishnagiri and to enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.S.Siva Kumar

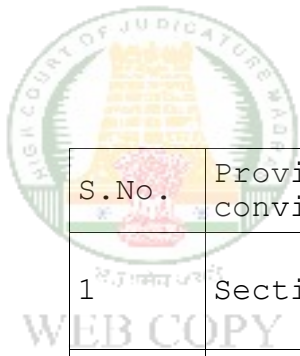
For Respondent: Mr.R.Muniyapparaj
Govt. Advocate (Crl.Side)

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 30.11.2020 passed in S.C.No.62 of 2019 on the file of the Additional District and Sessions Court, Krishnagiri and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who was the second accused in S.C.No.62 of 2019 before the Additional District and Sessions Court, Krishnagiri, was convicted and sentenced as follows on 30.11.2020:



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 120(b) IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo six months simple imprisonment.

The aforesaid sentences are ordered to run concurrently.

3. Challenging the above conviction and sentences, the petitioner (A2) has filed Crl.A.No.366 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.S.Siva Kumar, learned counsel for the petitioner (A2) and Mr.R.Muniyapparaj, learned Government Advocate (Crl. Side) appearing for the respondent/State.

5. The case of the prosecution is that the deceased Mayandi @ Subramani is the father-in-law of Mahadevan (A1) and the petitioner (A2) lives in the neighbourhood of Mayandi. Since the wife of Mahadevan (A1) viz., Alamelu, eloped with one Karthik with the help of Mayandi, Mahadevan developed enmity against Mayandi. On 13.08.2015, around 8.30 a.m., when Mayandi was in his residence, Mahadevan (A1) and the petitioner (A2) entered his house, attacked him on his right neck using an iron rod, due to which, blood oozed out from his neck, resulting in the death of Mayandi.

6. The petitioner (A2) has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner (A2) has been in incarceration from 30.11.2020. 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 (A2) is entitled to the relief of suspension of sentence and bail.

7. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioner (A2) on the following conditions:

- (i) The petitioner (A2) 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 Additional District and Sessions Court, Krishnagiri.



- (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

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- (iii) The petitioner (A2) shall appear before the respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioner (A2) 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/-

09/09/2021

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

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

TO

1 THE ADDITIONAL DISTRICT JUDGE,
KRISHNAGIRI

2 THE ADDITIONAL DISTRICT
SESSIONS COURT,
KRISHNAGIRI

3 THE PUBLIC PROSECUTOR
HIGH COURT,
MADRAS.

4 THE INSPECTOR OF POLICE,
SINGARAPETTAI POLICE STATION,
SINGARAPETTAI.



5 THE SUPERINTENDENT,
CENTRAL PRISON,
VELLORE

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C.C. to M/S.S.SIVA KUMAR Advocate on payment of necessary charges

Order

in
CRL MP.7438/2021

in
Crl.A.No.366 of 2021

Date :09/09/2021

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

RVR 13/09/2021