



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fourth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

and

The Hon`ble Ms Justice R.N. MANJULA

CRIMINAL MISCELLANEOUS PETITION No.9763 of 2021

IN

CRL.A.No.32/2020

ANAND

[PETITIONER/APPELLANT/ACCUSED]

Vs

STATE REP.BY

[RESPONDENT/COMPLAINANT]

THE INSPECTOR OF POLICE,
K-10, KOYEMBEDU POLICE STATION,
CHENNAI.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentences imposed in the order passed by the XVIII Additional Sessions Court at Chennai in S.C.No.217/2017 dated 29.11.2019 pending disposal of the above appeal. (CRL.M.P.No.9763/2021 in Crl.A.No.32/2020)

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.K.THENRAJAN, Advocate for the petitioner and of MR.R.MUNIYAPPARAJ, Govt. Advocate (Crl. Side) on behalf of the Respondents the court made the following order:-

(Order of the Court was made by P.N.PRAKASH, J)

This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order dated 29.11.2019 passed in S.C.No.217 of 2017 on the file of the XVIII Additional Sessions Court, Chennai and to enlarge the petitioner on bail pending disposal of the appeal.



2. The petitioner, who was the accused in S.C.No.217 of 2017 before the learned XVIII Additional Sessions Judge, Chennai, was convicted and sentenced as follows on 29.11.2019:

Provision under which convicted	Sentence
Section 302 IPC	Life imprisonment and fine of Rs.10,000/- in default to undergo one year rigorous imprisonment.

3. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.32 of 2020 along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.K.Thenrajan, learned counsel for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor, appearing for the respondent/State.

5. It is the case of prosecution that the deceased and the accused were working as coolies in Koyambedu market and the deceased used to tease the accused very frequently. While that being so, it is alleged that on 06.10.2016, when the deceased teased the accused, he is said to have taken a liquor bottle from the road side, broken it and stabbed the deceased. It appears that the petitioner has been in custody for more than 3 years.

6. Taking into consideration the long period of detention of the petitioner and the fact that the appeal is not likely to be taken up in the near future, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

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

(i)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 trial Court;

(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 shall appear before the trial Court everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioner 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.

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Accordingly, this Criminal Miscellaneous Petition is disposed of.

-sd/-

24/09/2021

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 XVIII ADDITIONAL SESSIONS
JUDGE, CHENNAI

2 THE INSPECTOR OF POLICE,
K-10, KOYEMBEDU POLICE STATION,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

+1 C.C. to M/S.K.THENRAJAN Advocate on payment of necessary charges SR.No.10532

Order

in
CRL MP.9763/2021

in
CRL.A.No.32/2020
Date :24/09/2021

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APN 27/09/2021