

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.02.2021

CORAM

THE HONOURABLE Mr. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mr. JUSTICE V.SIVAGNANAM

CrI.M.P.No.8889 of 2020

IN

CrI.A.No.780 of 2019

Govindhan

... Petitioner

Vs.

State represented by its
Inspector of Police
Kaveripattinam Police Station
Kaveripattinam
Krishnagiri District
(Cr.No.93/2016)

... Respondent

Criminal Miscellaneous Petition filed under Section 389 & 439 Cr.P.C. to suspend the sentence imposed by the Additional District Sessions Court, Krishnagiri in S.C.No.147 of 2016 dated 17.10.2019 and enlarge the petitioner on bail pending disposal of the CrI.A.No.780 of 2019

For Petitioner : Mr.A.S.Balaji

For Respondent : Mr.K.Prabakar, APP

O R D E R

(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 petitioner by judgment and order dated 17.10.2019 passed in S.C.No.147 of 2016 on the file of the Additional District Sessions Court, Krishnagiri and enlarge the petitioner on bail till the disposal of the CrI.A.No.780 of 2019.

2. The petitioner, who was A-2 in S.C.No.147 of 2016 before the Additional District Sessions Court, Krishnagiri, was convicted and sentenced as follows:

S.No.	Provision under which convicted	Sentence
1	Section 148 IPC	3 years rigorous imprisonment and fine of Rs.2,000/-, in default to undergo 6 months simple imprisonment
2	Section 302 IPC	Life imprisonment and fine of Rs.10,000/-, in default to undergo 6 months simple imprisonment

The aforesaid sentences were ordered to run concurrently.

3. Challenging the above conviction and sentences, the petitioner (A-2) has filed Crl.A.No.780 of 2019 along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. Heard Mr.A.S.Balaji, learned counsel for the petitioner and Mr.K.Prabakar, learned Additional Public Prosecutor appearing for the State.

5. The petitioner and the deceased are relatives. Due to a land dispute between them in respect of a pathway, on 28.01.2016, the occurrence took place. Out of total five accused, the trial Court found the petitioner (A-2) guilty of the offences under Sections 148 read with 302 IPC and A-5 for the offences under Sections 148 and 302 read with 109 IPC. Other accused viz. A-1, A-3 and A-4 are convicted and sentenced for lesser offences. This is the fourth bail application by the petitioner.

6. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner has been in incarceration from 17.11.2019. Further, the appeal is not likely to be taken up in the near future. That apart, the co-accused have been granted bail. In such view of the matter, 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 Additional District 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 Aadhaar 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.

-sd/-

22/02/2021

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 ADDITIONAL DISTRICT AND SESSIONS JUDGE,
KRISHNAGIRI.

2 THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KAVERIPATTINAM POLICE STATION,
KABERIPATTINAM,
KRISHNAGIRI DISTRICT.

+1C.C. to M/S.A.S.BALAJI Advocate on payment of necessary charges SR NO.2019

Order

in
CRL.MP.NO.8889/2020

in
CRL.A.NO.780/2019

Date :22/02/2021

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