

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 07.01.2021

PRONOUNCED ON : 09.04.2021

CORAM

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

AND

THE HON'BLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.7383 of 2020

in Crl.A.No.477 of 2020

Prabhu

.. Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Azhagapuram Police Station,
Salem District.
(Crime No.7 of 2019)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Sections 389 and 439 Cr.P.C. to suspend the sentence imposed on the petitioner by judgment and order dated 18.09.2020 passed in S.C.No.90 of 2019 on the file of the I Additional District and Sessions Court, Salem and to enlarge the petitioner on bail till the disposal of the appeal.

For Petitioner : Mr.K.Balu

For Respondent : Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order dated 18.09.2020 passed in S.C.No.90 of 2019 on the file of the I Additional District and Sessions Court, Salem and to enlarge the petitioner on bail till the disposal of the appeal.

2. The petitioner, who was an accused in S.C.No.90 of 2019 before the I Additional District and Sessions Court, Salem, was convicted of the offence under Section 302 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.5,000/-, in default to undergo six months simple imprisonment.

3. Challenging the above conviction and sentence, the petitioner has filed CrI.A.No.477 of 2020 along with the instant miscellaneous petition seeking suspension of sentence and bail.

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

5. It is the case of the prosecution that the deceased Perumal is the father of one Subramani, who is the friend of the petitioner. The petitioner and Subramani were addicted to liquor, which was objected to by Perumal. In this connection, a quarrel ensued between the petitioner and Perumal on 17.01.2019, in which, it is alleged that the petitioner attacked Perumal with a crowbar and caused his death.

6. On gleaning through the records, it appears that there was a quarrel between the deceased and the petitioner, in which, it is alleged that the petitioner had attacked the deceased with a crow bar.

7. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner has been in incarceration from 18.09.2020. 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 is entitled to the relief of suspension of sentence and bail.

8. 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 Judicial Magistrate Court No.V, 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 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/-
09/04/2021

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 JUDICIAL MAGISTRATE,
NO.V, SALEM.

3 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

6 THE INSPECTOR OF POLICE,
AZHAGAPURAM POLICE STATION,
SALEM DISTRICT.

+1 C.C. to M/S. K.BALU Advocate on payment of necessary charges
SR.No.4662

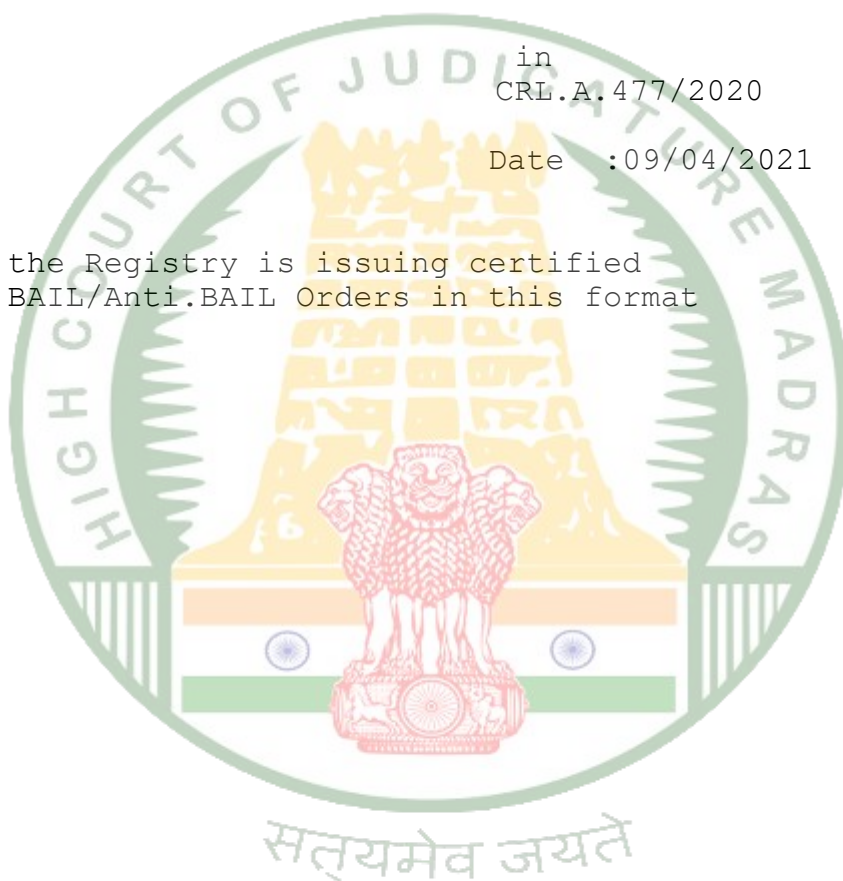
Order

in
CRL MP.7383/2020

in
CRL.A.477/2020

Date :09/04/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
cs 15/04/2021



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