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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Cr1.M.P.No.10003 of 2021

in Cr1.A.No.283 of 2021

Muniyappan

.. Petitioner/Accused No.1

Vs.

State represented by
The Inspector of Police,
Kalasapakkam Police Station,
Kalasapakkam,
Tiruvannamalai District.
(Crime No.04 of 2015)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C., to suspend the sentence imposed on the petitioner by judgment and order dated 24.02.2021 passed in S.C.No.49 of 2018 on the file of the Principal District and Sessions Court, Tiruvannamalai District and to enlarge the petitioner on bail pending disposal of the appeal.

For petitioner : Mr.B.Jawahar

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

(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 24.02.2021 passed in S.C.No.49 of 2018 on the file of the Principal District and Sessions Court, Tiruvannamalai District and to enlarge the petitioner on bail pending disposal of the appeal.



2. The petitioner, who was the first accused in S.C.No.49 of 2018 before the Principal District and Sessions Court, Tiruvannamalai District, 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 two years rigorous imprisonment.

3. Challenging the above conviction and sentence, the petitioner (A1) has filed Crl.A.No.283 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.B.Jawahar, learned counsel for the petitioner (A1) and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that the petitioner (A1) and wife Sangeetha (A2) had a long-standing quarrel with Gopal, owner of the adjacent land; while that being so, on 06.01.2015, it is alleged that the petitioner (A1) attacked Gopal and had caused his death.

6. Though the petitioner (A1) and his wife Sangeetha (A2) were prosecuted, Sangeetha (A2) was acquitted by the trial Court.

7. The petitioner (A1) has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner (A1) has been in incarceration since 24.02.2021. 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:

- (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 Principal District and Sessions Court, Tiruvannamalai;
- (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 and mobile number to ensure their identity; and



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(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/-

15/12/2021

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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,
TIRUVANNAMALAI.

2 THE INSPECTOR OF POLICE,
KALASAPAKKAM POLICE STATION,
KALASAPAKKAM,
TIRUVANNAMALAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S B.JAWAHAR Advocate on payment of necessary charges

Order
in
CRL MP.10003/2021
in
CRL.A.283/2021
Date :15/12/2021

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CSK 16/12/2021

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