

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2021

CORAM

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

AND

THE HON'BLE MR. JUSTICE V.SIVAGNANAM

CrI.M.P.No.8267 of 2020

in CrI.A.No.908 of 2019

Moorthy

...Petitioner

Vs.

State by Inspector of Police,
Mecheri Police Station,
Salem District.

... Respondent

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioner in the judgment dated 11.11.2019 made in S.C.No. 251 of 2016 on the file of the Additional District (Fast Track) Court, Mettur and enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.K.Selvaraj

For Respondent : Mr.K.Prabhakar
Additional Public Prosecutor

O R D E R

(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 11.11.2019 made in S.C.No. 251 of 2016 on the file of the Additional District (Fast Track) Court, Mettur and to enlarge the petitioner on bail till the disposal of the appeal.

2. The petitioner, who was an accused (A1) in S.C.No. 251 of 2016 before the Additional District (Fast Track) Court, Mettur, was convicted and sentenced as follows:

S. No.	Provision under which convicted	Sentence
1	Section 148 IPC	3 years rigorous imprisonment with fine of Rs.2000/- in default to undergo six months of simple imprisonment
2	Section 341 IPC	One month simple imprisonment with fine of Rs.500/- in default to undergo one week simple imprisonment.
3	Section 302 IPC	Life imprisonment with fine of Rs.5000/- in default to undergo three years simple imprisonment
4	Section 307 r/w 149	Life imprisonment

3. Challenging the above conviction and sentence, the petitioner has filed Crl.A.No.908 of 2019 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.K.Selvaraj, learned counsel for the petitioner and Mr.K.Prabhakar, learned Additional Public Prosecutor for the respondent/State.

5. It is the case of the prosecution that the petitioner (A1) had illicit intimacy with the wife of the deceased and when this was questioned by the deceased, he along with A2 to A7 had beaten the deceased and caused his death. It is seen that A2 to A7 were released on bail on 05.11.2020 by this Court. There is no previous case against the petitioner.

6.The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner has been under incarceration from 11.11.2019. 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.

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 (Fast Track) Court, Mettur;

(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/-
10/03/2021

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 (FAST TRACK) COURT,
METTUR.

2 THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MECHERI POLICE STATION,
SALEM DISTRICT.

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+1C.C. to M/S. K.SELVARAJ Advocate on payment of necessary charges SR NO.3099

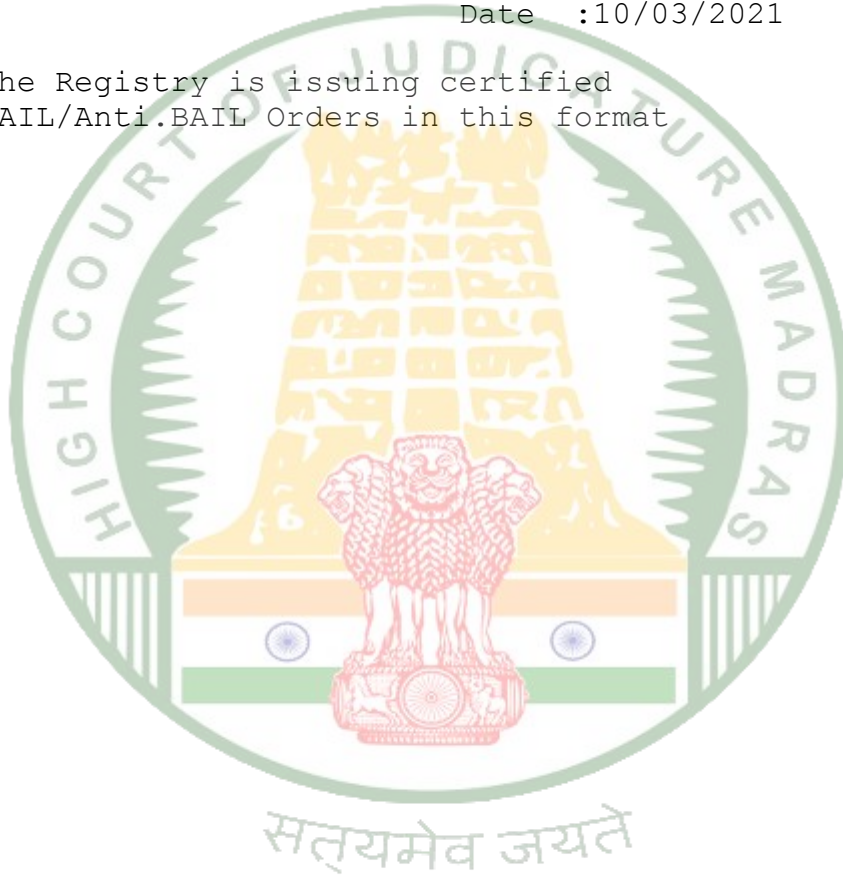
Order

in
CRL.MP.8267/2020
in
CRL.A.NO.908/2019

Date :10/03/2021

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

MK:10/03/2021



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