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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

CrI.M.P.No.10441 of 2021

in CrI.A.No.379 of 2021

M.Thimmaiyah

.. Petitioner/Accused No.2

Vs.

State represented by
The Inspector of Police,
Uddhanapalli Police Station,
Hosur,
Krishnagiri District.

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed on the petitioner by judgment and order dated 20.07.2021 passed in S.C.No.20 of 2017 on the file of the Additional District and Sessions Court, Hosur and to enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.B.Balavijayan

For Respondent: Mr.R.Muniyapparaj
Additional Public Prosecutor

O R D E R

(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 20.07.2021 passed in S.C.No.20 of 2017 on the file of the Additional District and Sessions Court, Hosur and to enlarge the petitioner on bail pending disposal of the appeal.



2. The petitioner, who was the second accused in S.C.No.20 of 2017 before the Additional District and Sessions Court, Hosur, was convicted for the offence under Section 302 IPC and sentenced to undergo life imprisonment and to pay of fine of Rs.40,000/-, in default to undergo two years rigorous imprisonment.

3. Challenging the above conviction and sentence, the petitioner (A2) has filed CrI.A.No.379 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.B.Balavijayan, learned counsel for the petitioner (A2) and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that on 03.04.2013, around 5.00 p.m., while the deceased Srinivasan was irrigating his land, which was abutting the land of the petitioner (A2), an altercation ensued, in which, the petitioner (A2) and his family members is said to have attacked Srinivasan with a wooden reaper. Srinivasan succumbed to the injuries.

6. The learned counsel for the petitioner (A2) submitted that the petitioner (A2) is 80 years old and suffering from several medical ailments and prayed for suspension of sentence and bail.

7. We called for a report from the medical authority, which showed that the petitioner (A2) is suffering from loss of vision in his left eye and he is taking medicines for hypertension in prison.

8. Taking into consideration the advanced age of the petitioner (A2) and also the fact that the appeal is not likely to be taken up in the near future, this Court is inclined to grant suspension of sentence and bail to the petitioner (A2).

9. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioner (A2) on the following conditions:

- (i) The petitioner (A2) 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 and Sessions Court, Hosur;
- (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



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(iii) The petitioner (A2) shall appear before the respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioner (A2) 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/-

24/11/2021

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, HOSUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE INSPECTOR OF POLICE,
UDDHANAPALLI POLICE STATION,
HOSUR, KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.B.BALAVIJAYAN Advocate on payment of necessary
charges SR.NO.13383

Order
in
CRL MP.10441/2021
in
CRL A.379/2021

Date :24/11/2021

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

RW 29/11/2021