



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Crl.M.P.No.10829 of 2021

in Crl.A.No.111 of 2019

Murugan

.. Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Jolarpet Police Station,
Vellore District.
(Crime No.206 of 2016)

.. 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 12.02.2019 passed in S.C.No.66 of 2017 on the file of the II Additional District and Sessions Court, Vellore District and to enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.R.Muniyapparaj
Govt. Advocate (Crl.Side)

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 12.02.2019 passed in S.C.No.66 of 2017 on the file of the III Additional District and Sessions Court, Vellore District and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who was an accused in S.C.No.66 of 2017 before the III Additional District and Sessions Court, Vellore, was



convicted and sentenced as follows on 12.02.2019:

S.No.	Provision under which convicted	Sentence
1	Section 341 IPC	One month simple imprisonment.
2	Section 302 IPC	Life imprisonment and fine of Rs.1,000/-, in default to undergo three months simple imprisonment.
3	Section 397 IPC	Seven years rigorous imprisonment.
4	Section 201 r/w 302 IPC	Three years rigorous imprisonment and fine of Rs.500/-, in default to undergo three months simple imprisonment.

The aforesaid sentences are ordered to run concurrently.

3. Challenging the above conviction and sentences, the petitioner has filed CrI.A.No.111 of 2019 along with the instant miscellaneous petition seeking suspension of sentence and bail.

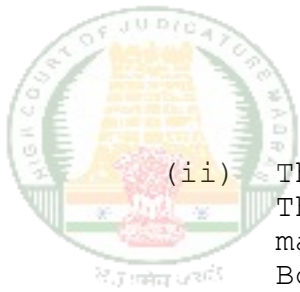
4. Heard Mr.E.Kannadasan, learned counsel for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that the petitioner herein along with one Sasikumar (juvenile) had picked up a quarrel with the deceased Sathiyamoorthi and is said to have assaulted him with a wooden log on 01.04.2016 and had caused his death. It is reported that Sasikumar (juvenile), who was also arrayed as an accused, has died.

6. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration from 12.02.2019. 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, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended 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 III Additional District and Sessions Court, Vellore District;



(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 respondent/police 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/-

10/11/2021

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 III ADDITIONAL
DISTRICT SESSIONS JUDGE,
VELLORE DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
JOLARPET POLICE STATION,
VELLORE DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. E.KANNADASAN Advocate on payment of necessary
charges SR.No.12604

Order

in
CRL MP.10829/2021

in
Crl.A.No.111/2019

Date :10/11/2021

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

APN 12/11/2021