



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fifth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

and

The Hon`ble Mrs Justice R. HEMALATHA

CRIMINAL MISCELLANEOUS PETITION No.11969 of 2021

IN CRL.A.NO.294 of 2020

MOORTHY

[APPELLANT/SOLE ACCUSED]

Vs

STATE REP.BY

[RESPONDENT/COMPLAINANT]

THE INSPECTOR OF POLICE,
JEDARPALAYAM POLICE STATION,
PARAMATHY CIRCLE,
NAMAKKAL DISTRICT.
(CR.NO.109/2015)

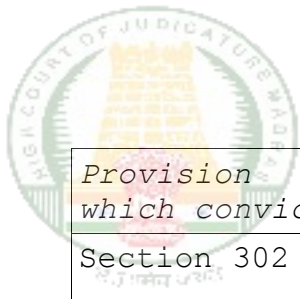
Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.294 of 2020 on the file of the High Court, the High Court will be pleased to enlarge the petitioner on bail by suspending the sentence imposed in S.C.No.82/2016 dated 28.06.2019 on the file of Principal Sessions Court, Namakkal pending disposal of CRL.A.NO.294 of 2020 (IN CRL.MP.NO.11969/2021).

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.294 of 2020 on the file of the High Court and upon hearing the arguments of M/S T. MURUGANANTHAM Advocate for the Petitioner and of MR.R.MUNIYAPPARAJ Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

(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 28.06.2019 passed in S.C.No.82 of 2016 on the file of the Principal Sessions Court, Namakkal and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who was the accused in S.C.No.82 of 2016 before the learned Principal Sessions Judge, Namakkal, was convicted and sentenced as follows on 28.06.2019:



Provision under which convicted	Sentence
Section 302 IPC	Life imprisonment and fine of Rs.5,000/- in default to undergo 4 years simple imprisonment.

3. Challenging the above conviction and sentences, the petitioner has filed CrI.A.No.294 of 2020 along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

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

5. This is a case of patricide. It is the case of the prosecution that the petitioner and his father got drunk on 05.07.2015 and after drinking, they quarrelled. During the quarrel, the petitioner is said to have kicked his father. After kicking him, the petitioner also slept by the side of his father as he was in the state of stupor. Only on the next day, the petitioner realised that his father had died.

6. Taking into consideration the long period of detention of the petitioner and the fact that the appeal is not likely to be taken up in the near future, 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 trial Court;
- (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.



Accordingly, this Criminal Miscellaneous Petition is disposed of.

WEB COPY

-sd/-
25/11/2021

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 PRINCIPAL SESSIONS JUDGE,
NAMAKKAL.

2 THE INSPECTOR OF POLICE,
JEDARPALAYAM POLICE STATION,
PARAMATHY CIRCLE,
NAMAKKAL DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S T. MURUGANANTHAM Advocate on payment of necessary charges

Order
in
CRL MP.11969/2021
in
CRL.A.294/2020
Date :25/11/2021

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