



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Ms Justice R.N. MANJULA

CRIMINAL MISCELLANEOUS PETITION No.12479 of 2021

IN CRL.A.290 of 2017

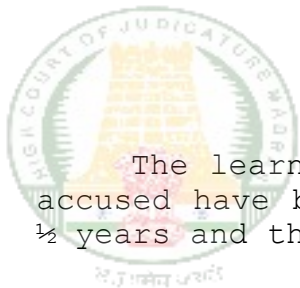
1 NITHI EMU FARMS [APPELLANT / ACCUSED]
2 NITHI EMU FARMS INDIA PVT LTD.
3 NITHI POULTRY FARMS
4 NITHI POULTRY FARMS INDIA PVT. LTD.,,
5 SEKAR @ A.PALANISAMY
6 M.MUNIYAN @ PANDIAN @ MURUGA
7 P.KARTHIKEYAN

Vs

THE STATE REP BY ITS, [RESPONDENT / COMPLAINANT]
THE INSPECTOR OF POLICE
EOW-II,
ERODE DISTRICT
CRIME NO.741 OF 2012.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence imposed against the 5th and 7th accused in C.C.No. 10/2013 on 17.02.2017 by Special Judge, Special Court for TNPID Cases , at Coimbatore and enlarge the bail to and release the 5th and 7th accused pending disposal of Crl.A.290/2017.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S. SARAIVANAN.P, Advocate for the Petitioner and of MR.A.GOPINATH, Govt. Advocate (Crl. Side) on behalf of the Respondents the court made the following order:-



The learned counsel for the petitioners submitted that 5th & 7th accused have been in prison and undergoing the sentence for nearly 3 ½ years and that can be considered for suspending their sentence.

2. This Court has passed orders in several miscellaneous petitions filed by the very same petitioners for the same relief. In each of these petitions, conditional orders have been passed. As per the condition, the petitioners did not deposit the amount and hence, order for suspending the sentence is not passed. It is to be noted that even when the interim bail was granted, an order to deposit the amount was passed. Due to non-compliance of the same, the accused was arrested on 05.04.2018.

3. Under such circumstances, if the petitioners/accused are released on bail, there is every likelihood that they will abscond and that will affect the progress of the case. Since the appeal itself has ripened for final hearing, the learned counsel for the petitioner can advance his arguments in the appeal itself.

In view of the above reasons, this Criminal Miscellaneous Petition is dismissed.

-sd/-
06/12/2021

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 SPECIAL JUDGE,
SPECIAL COURT FOR TNPID CASES,
AT COIMBATORE.

2 THE INSPECTOR OF POLICE
EOW-II, ERODE DISTRICT

3 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. SARAIVANAN.P Advocate on payment of necessary
charges SR.NO.14355

Order

in
CRL MP.12479/2021
in
CRL A.290/2017

Date :06/12/2021

From 7.2.2001 the Registry is issuing certified
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JPA 16/12/2021