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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Crl.M.P.No.12691 of 2021

in

Crl.A.No.614 of 2021

Veeramuthu

.. Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Sirkazhi Police Station,
Sirkazhi Taluk,
Nagapattinam District.
(Crime No.166 of 2014)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Sections 389(1) and 439 Cr.P.C., to suspend the sentence imposed on the petitioner by judgment and order dated 17.08.2021 passed in S.C.No.137 of 2015 on the file of the Sessions Court, Nagapattinam and to enlarge the petitioner on bail pending disposal of the appeal.

For petitioner : Mr.D.Veerasekharan

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 17.08.2021 passed in S.C.No.137 of 2015 on the file of the Sessions Court, Nagapattinam and to enlarge the petitioner on bail pending disposal of the appeal.



2. The petitioner, who was the second accused in S.C.No.137 of 2015 before the Sessions Court, Nagapattinam, was convicted and sentenced as follows on 17.08.2021:

S.No.	Provision under which convicted	Sentence
1	Section 294(b) IPC	One month simple imprisonment and fine of Rs.500/-, in default to undergo one week simple imprisonment.
2	Section 307 IPC	Three years imprisonment and fine of Rs.5,000/-, in default to undergo three months simple imprisonment.

The aforesaid sentences were ordered to run concurrently.

3. Challenging the above conviction and sentences, the petitioner (A2) has filed CrI.A.No.614 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.D.Veerasekharan, 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 08.04.2014, when the deceased Apparasu and his son Murugan (PW1) were cleaning the common pathway, the petitioner (A2) along with one Padmanathan (A1) came there and assaulted them, resulting in the death of Apparasu on 15.04.2014, despite being admitted in the hospital.

6. The learned counsel for the petitioner (A2) submitted that the trial Court has suspended the sentence of imprisonment imposed on the petitioner (A2) under Section 389(3) Cr.P.C. on 17.08.2021 till 14.12.2021.

7. The petitioner (A2) has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner (A2) has already been granted suspension of sentence and bail under Section 389(3) Cr.P.C. by the trial Court. 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 (A2) is entitled to the relief of suspension of sentence and bail.

8. 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 Sessions Court, Nagapattinam;

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- (ii) The petitioner (A2) and 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 (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/-

13/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE,
NAGAPATTINAM

2 THE INSPECTOR OF POLICE,
SIRKAZHI POLICE STATION,
SIRKAZHI TALUK,
NAGAPATTINAM DISTRICT



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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C.C. to M/S.D.VEERASEKHARAN Advocate on payment of necessary
charges Sr.14220

Order

in
CRL MP.12691/2021

in
Crl.A.No.614 of 2021

Date :13/12/2021

From 7.2.2001 the Registry is issuing certified
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RVR 14/12/2021