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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

CrI.M.P.No.12956 of 2021

in CrI.A.No.629 of 2021

1.Ramu @ Ramamurthy

2.Muthu @ Muthuraj

.. Petitioners/Accused 2 & 3

Vs.

State represented by
The Inspector of Police,
Mettupalayam Police Station,
Puducherry.

(Crime No.10 of 2015)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Sections 389(1) and 439 Cr.P.C., to suspend the sentence imposed on the petitioners by judgment and order dated 26.10.2021 passed in S.C.No.45 of 2015 on the file of the II Additional Sessions Court, Puducherry and to enlarge the petitioners on bail pending disposal of the appeal.

For petitioners : Mr.K.Gandhikumar

For Respondent : Mr.V.Balamurugane
Public Prosecutor (Puducherry)

ORDER

(Made by *P.N.PRAKASH, J.*)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioners by judgment and order dated 26.10.2021 passed in S.C.No.45 of 2015 on the file of the II Additional Sessions Court, Puducherry and to enlarge the petitioners on bail pending disposal of the appeal.



2. The petitioners, who were AA 2 and 3 in S.C.No.45 of 2015 before the II Additional Sessions Court, Puducherry, was convicted of the offence under Section 201 IPC and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo six months simple imprisonment, each.

3. Challenging the above conviction and sentence, the petitioners (AA 2 & 3) have filed Crl.A.No.629 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.K.Gandhikumar, learned counsel for the petitioners (AA 2 & 3) and Mr.V.Balamurugane, learned Public Prosecutor (Puducherry) appearing for the respondent/State.

5. The learned counsel for the petitioners (AA 2 & 3) submitted that the trial Court in Crl.M.P.No.547 of 2021 has suspended the sentence of imprisonment imposed on the petitioners (AA 2 & 3) under Section 389(3) Cr.P.C. till 15.12.2021.

6. The learned Public Prosecutor (Puducherry) also conceded the aforesaid facts.

7. The petitioners (AA 2 & 3) has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioners (AA 2 & 3) have 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 petitioners (AA 2 & 3) are 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 petitioners (AA 2 & 3) on the following conditions:

- (i) The petitioners (AA 2 & 3) 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 II Additional Sessions Court, Puducherry;
- (ii) The petitioners (AA 2 & 3) 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 and mobiles number to ensure their identity; and



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(iii) The petitioners (AA 2 & 3) shall appear before the respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioners (AA 2 & 3) 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 they are not able to appear before the trial Court on any day, they 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 their 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

TRUE COPY

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

TO

1 THE II ADDITIONAL SESSIONS JUDGE,
PUDUCHERRY.

2 THE INSPECTOR OF POLICE,
METTUPALAYAM POLICE STATION,
PUDUCHERRY.

3 THE PUBLIC PROSECUTOR
PUDUCHERRY.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUDUCHERRY.

+1C.C. to M/S.K.GANDHIKUMAR Advocate on payment of necessary charges SR.NO.14565

Order
in
CRL MP.12956/2021
in
CRL.A.629/2021

Date :13/12/2021

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

CSK 15/12/2021