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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.13443 of 2021

in Crl.A.No.483 of 2021

M.Sellamuthu

... Petitioner/Accused No.15

Vs.

The Deputy Superintendent of Police,
Central Bureau of Investigation,
Special Crime Branch,
Chennai.

(RC.3(S)/2004/CBI/SCB/Chennai)
(Viruthachalam Police Station
Crime No.356/2003)

... Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 482 r/w 389 Cr.P.C., to grant interim bail to the petitioner (Convict Prisoner No.16999), confined in the Cuddalore Central Prison to participate in the 16th day ritual service of his deceased elder brother viz., Palanisamy for 5 days from 15.12.2021 to 19.12.2021 at No.4/64, Karaimedu Taluk, Samayasangili, Samayasangili Agraharam Post, Kumarapalayam Taluk, Namakkal District - 638 008, pending disposal of the above criminal appeal.

For Petitioner : Mr.V.Elangovan

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor
(CBI Cases)



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

This criminal miscellaneous petition has been filed seeking to grant interim bail to the petitioner (Convict Prisoner No.16999), who is confined in the Central Prison, Cuddalore, to participate in the 16th day ceremony of his brother viz., Palanisamy for 5 days from 15.12.2021 to 19.12.2021 at No.4/64, Karaimesu Taluk, Samayasangili, Samayasangili Agraharam Post, Kumarapalayam Taluk, Namakkal District - 638 008, pending disposal of the above criminal appeal.

2. The petitioner, who was the fifteenth accused in S.C.No.3 of 2019 before the Sessions Court, (Special Court for Exclusive Trial of Cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 [for brevity "the SC/St Act"]), Cuddalore, was convicted and sentenced as follows on 24.09.2021:

S.No.	Provision under which convicted	Sentence
1	Section 217 IPC	Two years rigorous imprisonment and fine of Rs.10,000/-.
2	Section 218 IPC	Three years rigorous imprisonment and compensation of Rs.3,00,000/-.
3	Section 4 of the SC/ST Act	One year rigorous imprisonment and fine of Rs.5,000/-.
4	Section 3(2)(i) of the SC/ST Act	Life imprisonment and fine of Rs.1,00,000/-.

The aforesaid sentences were ordered to run concurrently.

3. Challenging the above conviction and sentences, the petitioner (A15) has filed CrI.A.No.483 of 2021 along with the instant miscellaneous petition seeking interim suspension of sentence and bail.

4. Heard Mr.V.Elangovan, learned counsel for the petitioner (A15) and Mr.K.Srinivasan, learned Special Public Prosecutor (for CBI Cases) appearing for the respondent/State.

5. When this Court expressed its opinion that on the facts and circumstances of the case, suspension of sentence and bail cannot be granted to the petitioner, the learned counsel for the petitioner submitted that the petitioner's brother died on 29.11.2021 and he may be permitted to at least attend his brother's 16th day ceremony in Namakkal District.



6. On instructions, the learned Additional Public Prosecutor submitted that the occurrence in this case had taken place in Cuddalore and the Probation Officer's report confirms the fact that the petitioner's brother had died and the 16th day ceremony is on 15.12.2021 in Namakkal.

7. On humanitarian consideration, we direct the prison authorities to send the petitioner with escort on payment by the petitioner to No.4/64, Karaimesu Taluk, Samayasangili, Samayasangili Agraharam Post, Kumarapalayam Taluk, Namakkal District - 638 008, for attending 16th day ceremony on 15.12.2021 and thereafter, bring him back to the prison on the same day evening.

Accordingly, this criminal miscellaneous petition is ordered in the above terms.

-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 COURT,
(SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER THE SCHEDULED CASTES AND SCHEDULED TRIBES
(Prevention of Atrocities) Act, 1989), Cuddalore.

2 THE DEPUTY SUPERINTENDENT OF
POLICE, CBI, SPECIAL CRIME BRANCH, CHENNAI.
(RC.3(S)/2004/CBI/SCB/CHENNAI)
VIRUTHACHALAM PS

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



+1 C.C. to M/S.S.DORAISWAMY
charges SR.NO.14576

Advocate on payment of necessary

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Order

in
CRL MP.13443/2021
in
CRL A.483/2021

Date :13/12/2021

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JPA 13/12/2021