

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2021

CORAM

THE HON'BLE MR. JUSTICE P.N.PRAKASH

AND

THE HON'BLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.14145 of 2019

in Crl.A.No.665 of 2019

Vellingiri

.. Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Perur Police Station,
Coimbatore.
(Crime No.314 of 2017)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioner by judgment and order dated 14.08.2019 passed in S.C.No.55 of 2019 on the file of the I Additional District and Sessions Court, Coimbatore and to enlarge the petitioner on bail pending the disposal of the appeal.

For Petitioner : Mr.L.Mouli

For Respondent: Mr.K.Prabhakar
Additional Public Prosecutor

O R D E R

(Order of the Court was made by V.SIVAGNANAM, J.)

This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order dated 14.08.2019 passed in S.C.No.55 of 2019 on the file of the I Additional District and Sessions Court, Coimbatore and to enlarge the petitioner on bail pending the disposal of the appeal.

2. The petitioner, who was the second accused in S.C.No.55 of 2019 before the I Additional District and Sessions Court, Coimbatore, was convicted for the offence under Section 302 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.1,000/-, in default to undergo three months simple imprisonment.

3. Challenging the above conviction and sentence, the petitioner has filed Crl.A.No.665 of 2019 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.L.Mouli, learned counsel for the petitioner and Mr.K.Prabhakar, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that on account of a family dispute between the petitioner and his son-in-law Mayan, on 24.12.2017, the petitioner has stabbed Mayan with a knife and caused his death.

6. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner has been in incarceration from 14.08.2019. 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 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 I Additional District and Sessions Court, Coimbatore;
- (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 respondent/police 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.

-sd/-
02/03/2021

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 I ADDITIONAL DISTRICT
AND SESSIONS JUDGE, COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERUR POLICE STATION,
COIMBATORE.

+1 C.C. to M/S.L.MOULI Advocate on payment of necessary charges
SR.No.2613

Order

in
CRL MP.14145/2019
in
CRL.A.665/2019

Date :02/03/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
cs 03/03/2021