

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM

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

AND

THE HON'BLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.16607 of 2019

in Crl.A.No.774 of 2019

Mari

... Petitioner/Accused

Vs.

The Inspector of Police,
T-8, Muthiyalpet Police Station,
Chennai.
(Crime No.96 of 2016)

... 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 04.04.2019 passed in S.C.No.266 of 2016 on the file of the II Additinoal District Court, Poonamallee, Tiruvallur and to enlarge the petitioner on bail till the disposal of the appeal.

For Petitioner : Mr.T.Saravanan

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 04.04.2019 passed in S.C.No.266 of 2016 on the file of the II Additinoal District Court, Poonamallee, Tiruvallur and to enlarge the petitioner on bail till the disposal of the appeal.

2. The petitioner, who was an accused in S.C.No.266 of 2016 before the II Additional District Court, Poonamallee, Tiruvallur, was convicted and sentenced as follows on 04.04.2019:

Sl.No .	Provision under which convicted	Sentence
1	Section 450 IPC	Ten years rigorous imprisonment and fine of Rs.1,000/-, in default to undergo three months rigorous imprisonment.
2	Section 302 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo six months rigorous imprisonment.

The aforesaid sentences were ordered to run concurrently.

3. Challenging the above conviction and sentences, the petitioner has filed CrI.A.No.774 of 2019 along with the instant miscellaneous petition seeking suspension of sentence and bail.

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

5. The learned counsel for the petitioner submitted that the petitioner is the son-in-law of the deceased Kuppusamy and due to family dispute, the petitioner, in a drunken state, assaulted Kuppusamy with a knife, which resulted in his death. He further submitted that the petitioner has been in incarceration from 04.04.2019 and pleaded for suspension of sentence and bail.

6. The learned Additional Public Prosecutor submitted that there are sufficient materials to support the prosecution case and objected the grant of suspension of sentence and bail to the petitioner.

7. We have considered the submissions made by the learned counsel on both sides and perused the records.

8. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner has been in incarceration since 04.04.2019. 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.

9. 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 Judicial Magistrate Court, Ambattur;

(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 trial Court 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/-
21/01/2021

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 DISTRICT JUDGE,
POONAMALLEE, THIRUVALLUR.

2 THE JUDICIAL MAGISTRATE,
AMBATTUR.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

4 THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON, PUZHAI, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE
T-8 MUTHIYALPET POLICE STATION,
CHENNAI.

+1C.C. to M/S.T.SARAVANAN Advocate on payment of necessary charges SR NO.727

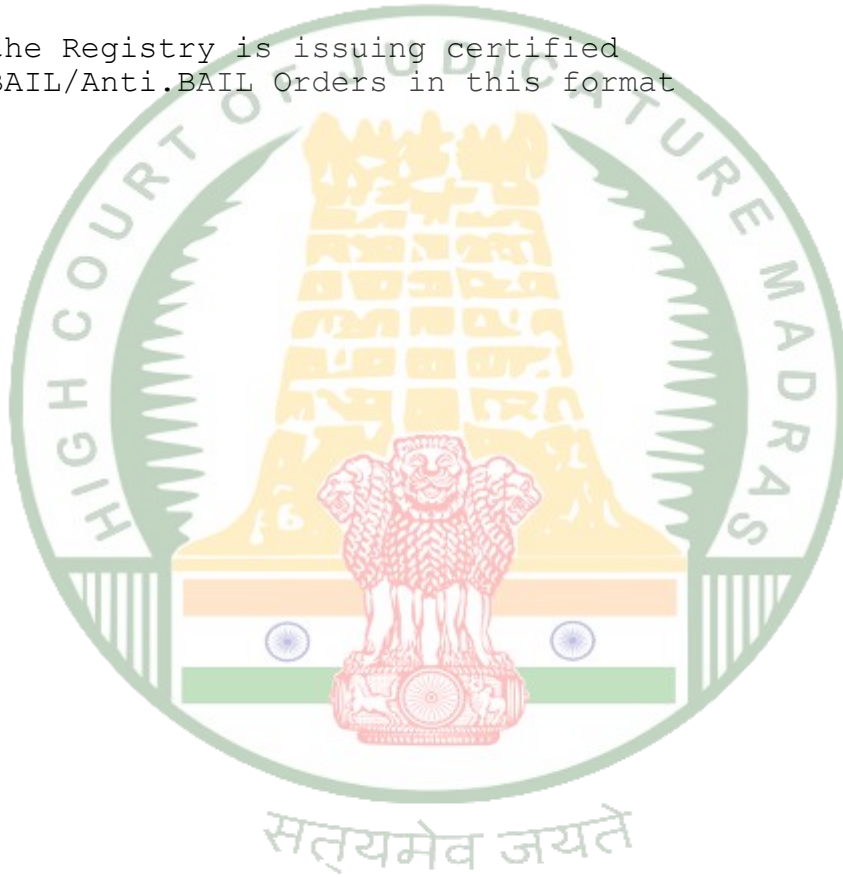
Order

in
CRL.MP.NO.16607/2019
in
CRL.A.NO.774/2019

Date :21/01/2021

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

MK:27/01/2021



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