



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2022

CORAM

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THE HON'BLE MR.JUSTICE D. BHARATHA CHAKRAVARTHY

Crl.M.P. No. 864 of 2020

in

Crl.A. No. 44 of 2020

Nandhakumar

..Petitioner

Vs.

State rep. by
Inspector of Police,
Tiruppur Central Police Station,
Tirupur, Tirupur District.
(Crime No. 89/2018)

..Respondent

Prayer: Petition under Section 389(1) Cr.P.C. to enlarge the petitioner on bail by suspending the sentence imposed in S.C. No. 39 of 2018 dated 27.05.2019 on the file of Mahalir Neethi Mandram (Fast Track Mahila Court), Tirupur pending disposal of the criminal appeal.

For Petitioner :: Mr.T. Muruganantham

For Respondent :: Mr.S. Vinothkumar
Govt. Advocate (Crl.Side)

O R D E R

This criminal miscellaneous petition is filed to suspend the sentence imposed on the petitioner by judgment dated 27.05.2019 in S.C. No. 39 of 2018 by Mahalir Neethi Mandram (Fast Track Mahila Court), Tirupur and enlarge the petitioner on bail pending disposal of the criminal appeal.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent.

3. The learned counsel for the petitioner would submit that a perusal of the judgment of the Trial Court and the evidence on record would make it clear that there is a prima facie case in favour of the petitioner/appellant. He would further submit that out of 10 years rigorous imprisonment imposed as the maximum punishment, the petitioner has been under incarceration for a period of 4 years and 4 months.



4. Per contra, the learned Government Advocate (Crl.Side) would submit that the Trial Court has rightly convicted the petitioner. However, he would admit that it is true that the petitioner has been under incarceration for a period of 4 years and 4 months.

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5. Considering the submissions made by the learned counsel for the petitioner for the purpose of making out a prima facie case and considering the total period of sentence imposed and the fact that the petitioner has been under incarceration for a period of 4 years and 4 months, I am of the view that this is a fit case to grant suspension of sentence pending the above appeal.

6. Accordingly, the substantive sentence of imprisonment imposed on the petitioner is suspended and the petitioner is enlarged on bail on the following conditions:-

(a) the petitioner is ordered to be released on bail, on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Trial Court;

(b) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar Cards or Bank Pass books to ensure their identities;

(c) the petitioner shall appear before the Trial Court on the first working day of every English Calendar Month at 10.30 A.M until the disposal of the Criminal 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 of 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.

7. This Criminal Miscellaneous Petition is ordered accordingly.

-sd/-

28/06/2022

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.



1 MAHALIR NEETHI MANDRAM
(FAST TRACK MAHILA COURT) TIRUPPUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
TIRUPPUR CENTRAL POLICE STATION,
TIRUPUR DISTRICT.

C.C. to M/S. T.MURUGANANTHAM Advocate on payment of necessary
charges Sr.10225

Order

in
CRL MP.864/2020

in
CRL A.44/2020

Date :28/06/2022

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RVR 01/07/2022