



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fourth day of January Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.402 of 2022

IN CRL.A.No.33 of 2022

1 GOVINDARAJAN
2 KRISHNAN
3 DHARMAN

[APPELLANTS / ACCUSED NO.1,2 & 4]

Vs

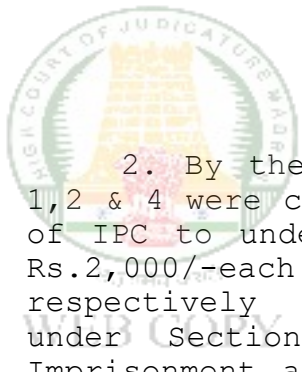
STATE REP BY
THE INSPECTOR OF POLICE,
KRISHNAGIRI TALUK POLICE STATION,
KRISHNAGIRI DISTRICT
CRIME NO.532 OF 2010

[RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence passed by the Principal Sessions Judge, Krishnagiri, Krishnagiri District in S.C No.84 of 2012 against the petitioners, enlarge the petitioners on bail pending disposal of the Crl.A.33 of 2022 and thus render justice.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.V.RAJAMOHAN, Advocate for the Petitioners and of MR.S.SUGENDRAN, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the appellants/accused 1,2 &4, seeking suspension of sentence of imprisonment, passed by the Principal Sessions Judge, Krishnagiri, Krishnagiri District in S.C.No.84 of 2012 against the appellants/accused 1,2 &4, enlarge the appellants/accused 1,2 &4 on bail pending disposal of Criminal Appeal.



2. By the judgment of the trial court, the appellants/accused 1,2 & 4 were convicted and sentenced for the offence under Section 148 of IPC to undergo six months Rigorous Imprisonment and pay fine of Rs.2,000/- each in default to undergo two weeks Rigorous imprisonment respectively and accused 2 convicted and sentenced for the offence under Section 326 of I.P.C to undergo three years Rigorous Imprisonment and pay fine of Rs.5,000/- in default to undergo three months Rigorous Imprisonment and against which, the present appeal has been filed.

3. Learned counsel appearing for the appellants/accused 1,2 & 4 would submit that though the appellants/accused were tried along with five other accused, the Trial Court taking into consideration the exaggerations and contradictions, had acquitted the co-accused. He would further submit that the Trial Court had also suspended the sentence of the appellants/accused 1, 2 & 4 till 28.03.2022. According to the learned counsel for the appellants/accused 1,2 & 4, there are arguable points available in the Criminal Appeal Case, which is not likely to be taken for final hearing in the near future and the appellants/accused 1,2 & 4 have got a fair chance of succeeding in the Criminal Appeal Case and hence, the sentence imposed against the appellants/accused 1,2 & 4 may be suspended and the appellants/accused 1, 2 & 4 may be enlarged on bail.

4. Heard the learned counsel for the appellants/accused 1,2 & 4 and perused the materials on record.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the appellants/accused 1,2 & 4, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal appeal, the reliefs of suspension of sentence and bail are granted, on the following conditions :-

i. The appellants/accused 1,2 & 4 shall execute 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 Judicial Magistrate No.II, Krishnagiri, within 15 days from the date of commencement of the court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically and on further conditions that:

ii. The appellants/accused 1,2 & 4 shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.



8. The Criminal Miscellaneous Petition is ordered accordingly.

-sd/-
24/01/2022

WEB COPY

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 PRINCIPAL SESSIONS JUDGE,
KRISHNAGIRI, KRISHNAGIRI DISTRICT.

2 THE JUDICIAL MAGISTRATE,
NO.II, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

4 THE INSPECTOR OF POLICE,
KRISHNAGIRI TALUK POLICE STATION,
KRISHNAGIRI DISTRICT

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.V.RAJAMOHAN Advocate on payment of necessary charges

Order
in
CRL MP.402/2022
in
CRL A.33/2022

Date :24/01/2022

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

JPA 25/01/2022