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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.2485 of 2022

in

Crl.A.No.196 of 2022

1.Renganathan

2.Parattai Subramani

...Petitioners/A2 & 3

Vs.

The State rep. by
Inspector of Police,
Sirumugai Police Station,
Coimbatore District
(crime No.266 of 2014)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 374(2) of Cr.P.C to suspend the sentence of imprisonment imposed by the learned Sessions Judge, Sessions Court for Trial and Bomb Blast Cases, Coimbatore in S.C.No.170 of 2017 dated 03.12.2021 and enlarge the petitioner on bail pending disposal of Crl.A.No.196 of 2022

For Petitioners : Mr.K.Arul

For Respondent : Mr.Leonard Arul Joseph Selvam,
Government Advocate (crl.side)

O R D E R

This Criminal Miscellaneous Petition has been filed by the petitioners/A2 & 3, seeking to suspend the sentence of imprisonment imposed upon him in S.C.No.170 of 2017 dated 03.12.2021 by the learned Sessions Judge, Sessions Court for Trial and Bomb Blast Cases, Coimbatore and enlarge the petitioners on bail pending disposal of the above criminal appeal.

2. The petitioners herein are the accused 2 & 3 in S.C.No.170 of 2017 on the file of the learned Sessions Judge, Sessions Court for Trial and Bomb Blast Cases, Coimbatore. They were found guilty of the offence under Sections 326 & 324 of IPC respectively and they have been convicted and sentenced as under:



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Accused No.	Conviction	Sentence
2	Section 326 of IPC	to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.10,000/-, in default to undergo rigorous imprisonment for a period of one year
3	Section 324 of IPC	to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.5,000/-, in default to undergo rigorous imprisonment for a period of six months

Aggrieved over the same, the present appeal has been filed along with the instant miscellaneous petition seeking suspension of sentence and bail.

3. According to the learned counsel for the petitioners/A2&3, there are arguable points available in the Criminal Appeal and the petitioners/A2 & 3 have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the Petitioners/A2&3 may be suspended. He would submit that the petitioners/ accused 2 & 3 surrendered before the trial court and they were remanded to judicial custody on 17.03.2022.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing the petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. Considering the facts and circumstances of the case, also considering the submissions of the learned counsel for the petitioners and the learned Government Advocate (crl.side) appearing for the respondent police, further this criminal appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone 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:



(a) The petitioners/A2&3 are ordered to be released on bail, on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) (each) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Sessions Court for Trial and Bomb Blast Cases, Coimbatore

(b) The petitioners and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioners 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 they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.

7. With the above directions, this Criminal Miscellaneous Petition is ordered.

-sd/-
06/04/2022

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 JUDGE,
SESSIONS COURT FOR TRIAL AND BOMB BLAST
CASES, COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE INSPECTOR OF POLICE,
SIRUMUGAI POLICE STATION,
COIMBATORE DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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+1 C.C. to M/S.K.ARUL Advocate on payment of necessary charges
SR.NO. 5244

Order

in
CRL MP.2485/2022

in
Crl.A.No.196 of 2022

Date :06/04/2022

From 7.2.2001 the Registry is issuing certified
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RW 07/04/2022