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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM

THE HONOURABLE Mr. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mr. JUSTICE A.A.NAKKIRAN

Crl.M.P.No.1695 of 2022

IN

Crl.A.No.525 of 2021

Kumar

.. Petitioner/Accused

Vs.

State rep. by
The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District
(Crime No.297 of 2016)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389 Cr.P.C., to suspend the sentence imposed on the petitioner by judgment and order dated 23.09.2021 passed in S.C.No.45 of 2017 by the Sessions Judge, Nagapattinam and to enlarge the petitioner on bail pending disposal of the appeal.

For petitioner : Mr.V.Parthiban
for Mr.S.Conscious Ilango

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 23.09.2021 passed in S.C.No.45 of 2017 by the Sessions Judge, Nagapattinam and to enlarge the petitioner on bail pending disposal of the appeal.



2. The petitioner/accused has been convicted and sentenced in S.C.No.45 of 2017 on 23.09.2021 by the Sessions Court, Nagapattinam as under :

Provision under which convicted	Sentence
Section 302 IPC	Imprisonment for life and fine of Rs.1,000/-, in default to undergo 3 months simple imprisonment

3. Challenging the above conviction and sentence, the petitioner/accused has filed CrI.A.No.525 of 2021 along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.V.Parthiban, learned counsel representing Mr.S.Conscious Ilango, learned counsel on record for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that the deceased had spoken ill about the wife of the petitioner, on account of which, a quarrel ensued on 11.05.2016 between the petitioner and the deceased viz., Saravanan, after which, it is alleged that the petitioner attacked Saravanan and caused his death.

6. Mr.V.Parthiban took this Court through the evidence of the Investigating Officer, wherein, the Investigating Officer has admitted that the petitioner had also sustained injuries in the quarrel.

7. Mr.R.Muniyapparaj submitted that apart from the present case, there is no case against the petitioner.

8. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration since 23.09.2021. 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, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioner/accused on the following conditions:



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- (i) The petitioner/accused shall be released on bail on he executing 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 Sessions Court, Nagapattinam ;
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain their mobile number, a copy of their Aadhaar card or Bank pass book to ensure their identity; and
- (iii) The petitioner/accused 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/-
28/04/2022

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.

TO

1 THE SESSIONS JUDGE
NAGAPATTINAM.

2 THE INSPECTOR OF POLICE,
MAYILADUTHURAI POLICE STATION,
NAGAPATTINAM DISTRICT

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. S.CONSCIOUS ILANGO Advocate on payment of
necessary charges SR.NO.6431

Order
in
CRL MP.1695/2022
in
CRL A.525/2021

Date :28/04/2022

From 7.2.2001 the Registry is issuing certified
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JPA 29/04/2022