



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.2941 of 2022

in

Crl.A.No.228 of 2022

1.Abinesh
2.Silambarasan
3.Selvakumar

...Petitioners

Vs.

State rep. by
Deputy Superintendent of Police,
Perambalur Circle,
Perambalur District
Maruvathur Police Station
(crime No.1138 of 2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 374 of Cr.P.C r/w 389 of Cr.P.C. to suspend the sentence and enlarge the petitioners on bail in respect of the judgment passed by the learned Special Sessions Judge, Special Court for SC/ST (Prevention of Atrocities) Act, Perambalur in Special SC.No.10 of 2021 dated 16.02.2022 pending disposal of the main criminal appeal.

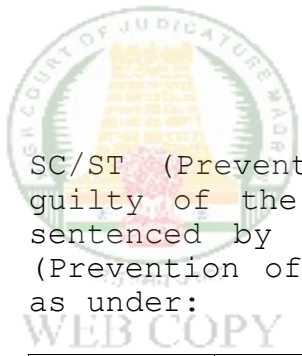
For Petitioners : Mr.D.Rajagopal

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners seeking to suspend the sentence and enlarge the petitioners on bail in respect of the judgment passed by the learned Special Sessions Judge, Special Court for SC/ST (Prevention of Atrocities) Act, Perambalur in Special SC.No.10 of 2021 dated 16.02.2022 pending disposal of the main criminal appeal.

2. The petitioners herein are the accused in Special SC.No.10 of 2021 on the file of the learned Sessions Judge, Special Court for



SC/ST (Prevention of Atrocities) Act, Perambalur. They were found guilty of the following offences and they have been convicted and sentenced by the learned Sessions Judge, Special Court for SC/ST (Prevention of Atrocities) Act, Perambalur by order dated 16.02.2022 as under:

S.No.	Conviction	Sentence
1	Section 3(1)(j) of SC/ST Act	to undergo rigorous imprisonment for one year and fine of Rs.1,000/- each, in default to undergo three months simple imprisonment

Aggrieved against the same, the petitioners have filed the present criminal appeal.

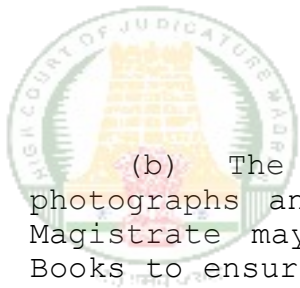
3. According to the learned counsel for the petitioners, there are arguable points available in the Criminal Appeal and the petitioners have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the Petitioners may be suspended.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this 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 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 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, Special Court for SC/ST (Prevention of Atrocities) Act, Perambalur



(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.

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(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/-
07/03/2022

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,
SPECIAL COURT FOR SC/ST (PREVENTION OF ATROCITIES) ACT,
PERAMBALUR.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
PERAMBALUR CIRCLE,
PERAMBALUR DISTRICT
MARUVATHUR POLICE STATION.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

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+1C.C. to M/S D.RAJAGOPAL Advocate on payment of necessary
charges SR.No.3427

Order
in
CRL MP.2941/2022
in
CRL A.228/2022
Date :07/03/2022

From 7.2.2001 the Registry is issuing certified
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CSK 08/03/2022