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Crl.M.P.No.2976 of 2022
in Crl.A.No.236 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM

The Honourable Mr. Justice **S.VAIDYANATHAN**
and
The Honourable Mr. Justice **A.D.JAGADISH CHANDIRA**

Crl.M.P.No.2976 of 2022
in Crl.A.No.236 of 2022

K.Settu @ Arumugam

..

Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Veeranam Police Station,
Salem District.

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389 Cr.P.C., to suspend the sentence imposed on the petitioner by judgment dated 18.03.2021 passed in S.C.No.372 of 2016 on the file of the III Additional District and Sessions Court, Salem and to enlarge the petitioner on bail pending disposal of the appeal.

For petitioner : Mr.R.Jaikumar

For Respondent : Mr.M.Babu Muthumeeran
Additional Public Prosecutor



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ORDER

(Order of the Court was made by *A.D.JAGADISH CHANDIRA, J.*)

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This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment dated 18.03.2021 passed in S.C.No.372 of 2016 on the file of the III Additional District and Sessions Court, Salem and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who was the first accused in S.C.No.372 of 2016 before the III Additional District and Sessions Court, Salem, was convicted and sentenced as follows on 18.03.2021:

<i>Accused</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
K.Settu @ Arumugam (A1)	Section 120-B IPC	Life imprisonment.
	Section 148 IPC	Two years rigorous imprisonment.
	Section 294(b) IPC	Fine of Rs.1,000/-, in default to undergo one month rigorous imprisonment.
	Section 302 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo six months rigorous imprisonment.
	Section 324 IPC	Two years rigorous imprisonment.
The aforesaid sentences were ordered to run concurrently.		



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3. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.236 of 2022 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.R.Jaikumar, learned counsel for the petitioner and Mr.M.Babu Muthumeeran, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that on account of boundary dispute between the petitioner's family and the deceased Murugan's family, a quarrel ensued on 01.08.2013, in which, it is alleged that the petitioner's family had attacked the deceased Murugan's family, in which, the deceased Murugan sustained injuries and later died.

6. The learned counsel for the petitioner would submit that the petitioner has been arrayed as A1 and he has been in judicial custody since 18.03.2021. He would further submit that the similarly placed accused in this case viz., Raja (A2), S.Jayaraman (A3), Selvaraj (A4) and Angayee (A5) have been granted suspension of sentence and bail by this Court in Crl.M.P.No.5387 of 2021 in Crl.A.No.195 of 2021 and Crl.M.P.No.10299 of 2021 in Crl.A.No.469 of 2021 on 15.12.2021.



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7. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration since 18.03.2021. Further, the appeal is not likely to be taken up in the near future. 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.

7. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioner on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/- , with two sureties, each for a like sum to the satisfaction of the III Additional District and Sessions Court, Salem;
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court on the first



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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.

(S.V.N., J.) (A.D.J.C., J.)
04.07.2022

nsd

To

- 1.The III Additional District and Sessions Judge,
Salem.
- 2.The Inspector of Police,
Veeranam Police Station,
Salem District.
- 3.The Superintendent of Prison,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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S.VAIDYANATHAN, J.
and
A.D.JAGADISH CHANDIRA, J.

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