



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.3728 of 2022

in

Crl.A.No.479 of 2021

Sathya @ Sathyaraj

...Petitioner/A5

Vs.

State rep. by
The Inspector of Police,
J-2, Adyar Police Station (L&O),
Chennai
(crime No.97 of 2013)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(3) of Cr.P.C to suspend the sentence of imprisonment imposed by the learned XVIII Additional Sessions Judge, City Civil Court, Chennai in S.C.No.309 of 2014 dated 07.09.2021 and enlarge the petitioner on bail pending disposal of Crl.A.No.479 of 2021

For Petitioner : Mr.G.R.Hari

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/A5, seeking to suspend the sentence of imprisonment imposed upon him in S.C.No.309 of 2014 dated 07.09.2021 by the learned XVIII Additional Sessions Judge, City Civil Court, Chennai and enlarge the petitioner on bail pending disposal of the above criminal appeal.

2. The petitioner herein is the fifth accused in S.C.No.309 of 2014 on the file of the learned XVIII Additional Sessions Judge, City Civil Court, Chennai, was convicted of the offence under Section 307 of IPC and was sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo six months simple imprisonment. Aggrieved over the same, the petitioner has filed the present criminal appeal.



3. The case of the prosecution is that alleged motive of crime is with regard to administration of temple and there is an involvement of six accused. On 15.01.2013, P.W.2, the uncle of P.W.1- the defacto complainant had lodged complaint with the respondent police that his uncle-P.W.2 was assaulted by A3 to A6, conspired with A1 and A2 with an intention of causing death of the injured.

4. According to the learned counsel for the petitioner, there are arguable points available in the Criminal Appeal and the petitioner has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the Petitioner may be suspended.

5. 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.

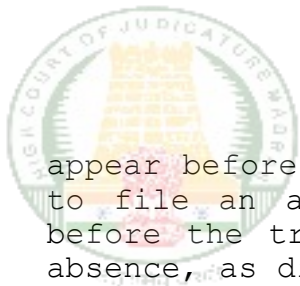
6. Heard the learned counsel appearing on either side and also perused the materials placed on record.

7. Considering the facts and circumstances of the case, also considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (crl.side) appearing for the respondent police, and also considering the fact that the sentence imposed upon A2 has already been suspended by this Court in Crl.MP.No.2216 of 2022 dated 03.03.2022, 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 petitioner is ordered to be released on bail, on his executing a 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 learned XVIII Additional Sessions Judge, City Civil Court, Chennai

(b) The petitioner 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 petitioner 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 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.

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

-sd/-
29/03/2022

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 XVIII ADDITIONAL SESSIONS JUDGE,
CITY CIVIL COURT, CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

3 THE INSPECTOR OF POLICE,
J-2, ADYAR POLICE STATION,
LAW AND ORDER, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2C.C. to G.R.HARI Advocate on payment of necessary charges
SR.No.4667

Order
in
CRL MP.3728/2022
in
CRL.A.479/2021
Date :29/03/2022

From 7.2.2001 the Registry is issuing certified
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CSK 31/03/2022