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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

CrI.M.P.No.4126 of 2022

in CrI.A.No.349 of 2022

1.Balaji
2.Mathivanan
3.Ravichandran

.. Petitioners/AA 3 to 5

Vs.

State represented by
The Inspector of Police,
Mangalam Police Station,
Tiruppur District.
Crime No.517/2012

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C., to suspend the sentence imposed on the petitioners by judgment and order dated 22.02.2022 passed in S.C.No.100 of 2015 on the file of the II Additional District and Sessions Court, Tiruppur and to enlarge the petitioners on bail pending disposal of the appeal.

For Petitioners : Mr.T.Shunmugarajeswaran

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor

O R D E R

(Made by P.N.PRAKASH, J.)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioners by judgment and order dated 22.02.2022 passed in S.C.No.100 of 2015 on the file of the II Additional District and Sessions Court, Tiruppur and to enlarge the petitioners on bail pending disposal of the appeal.

2. When the matter was taken up for hearing, the learned counsel for the petitioners sought permission of this Court to withdraw this petition as regards the first petitioner (A3).



3. Therefore, this criminal miscellaneous petition stands dismissed as withdrawn qua Balaji (A3), first petitioner herein.

4. The second and third petitioners, who were fourth and fifth accused in S.C.No.100 of 2015 before the II Additional District and Sessions Court, Tiruppur, were convicted and sentenced as follows on 22.02.2022:

Accused	Provision under which convicted	Sentence
Mathivanan (A4)	Section 212 IPC, each	Three years rigorous imprisonment and fine of Rs.2,000/-, in default to undergo three months simple imprisonment, each.
Ravichandran (A5)		

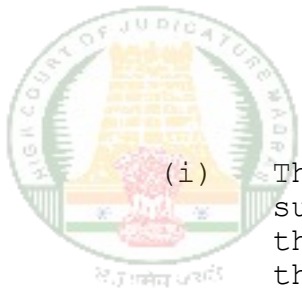
5. Challenging the above conviction and sentence, the second and third petitioners (AA 4 and 5) have filed Crl.A.No.349 of 2022 along with the instant miscellaneous petition seeking suspension of sentence and bail.

6. Heard Mr.T.Shunmugarajeswaran, learned counsel for the second and third petitioners (AA 4 and 5) and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

7. The learned counsel for the second and third petitioners (AA 4 and 5) submitted that the trial Court has suspended the sentence of imprisonment imposed on the second and third petitioners (AA 4 and 5) under Section 389(3) Cr.P.C. for a period of one month, so as to enable them to approach this Court and seek suspension of sentence and bail.

8. The second and third petitioners (AA 4 and 5) have raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the second and third petitioners (AA 4 and 5) have already been granted suspension of sentence and bail under Section 389(3) Cr.P.C. by the trial Court. In such view of the matter, this Court is of the view that the second and third petitioners (AA 4 and 5) are entitled to the relief of suspension of sentence and bail.

9. Accordingly, this criminal miscellaneous petition stands allowed qua second and third petitioners (AA 4 and 5) and the sentence of imprisonment is suspended and bail is granted to the second and third petitioners (AA 4 and 5) on the following conditions:



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(i) The second and third petitioners (AA 4 and 5) shall surrender before the trial Court within two weeks from the date of receipt of copy of this order and thereafter, execute 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 II Additional District and Sessions Court, Tiruppur;

(ii) The second and third petitioners (AA 4 and 5) and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their mobile number, Aadhar card or Bank pass Book to ensure their identity; and

(iii) The second and third petitioners (AA 4 and 5) 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 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.

-sd/-

30/03/2022

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 II ADDITIONAL DISTRICT AND
SESSIONS JUDGE, TIRUPPUR

2 INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
TIRUPUR DISTRICT.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.T.SHUNMUGARAJESWARAN Advocate on payment of
necessary charges Sr.4799

Order

in

CRL MP.4126/2022

in Crl.A.No.349 of 2022

Date :30/03/2022

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RVR 31/03/2022