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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Crl.M.P.No.4190 of 2022

in Crl.A.No.358 of 2022

Duraisamy

.. Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Rasipuram Police Station,
Namakkal District.
(Crime No.591 of 2012)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C., to suspend the sentence imposed on the petitioner by judgment and order dated 23.02.2022 passed in S.C.No.40 of 2013 on the file of the Additional District and Sessions Court, Namakkal and to enlarge the petitioner on bail pending disposal of the appeal.

For petitioner : Mr.C.Prabakaran

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

ORDER

(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 23.02.2022 passed in S.C.No.40 of 2013 on the file of the Additional District and Sessions Court, Namakkal and to enlarge the petitioner on bail pending disposal of the appeal.



2. The petitioner was tried along with four other accused in S.C.No.40 of 2013 before the Additional District and Sessions Court, Namakkal, in the which, the learned trial Judge, has, by judgment and order dated 23.02.2022 , convicted the petitioner of the offence under Section 307 IPC and sentenced him to undergo seven years rigorous imprisonment and to pay a fine of Rs.500/-, in default to undergo three months simple imprisonment. However, some of the co-accused have been convicted of the offence under Section 302 IPC and sentenced to undergo imprisonment for life.

3. Challenging the above conviction and sentence, the petitioner has filed Crl.A.No.358 of 2022 along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.C.Prabakaran, learned counsel for the petitioner and Mr.M.Babu Muthumeern, learned Additional Public Prosecutor appearing for the respondent/State.

5. It appears that there was a quarrel between two groups, in which, the petitioner himself had suffered serious injuries and was admitted in the hospital.

6. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration since 23.02.2022. 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 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 Additional District and Sessions Court, Namakkal;
- (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 mobile number, Aadhar card or Bank pass Book to ensure their identity; and



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(iii) The petitioner 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/-
21/04/2022

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.

(*)Amended as per order of this Court dated 27.04.2022 made in CRL.MP.NO.5762/2022 in CRL.A.NO.358/2022.

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
NAMAKKAL.

2 THE INSPECTOR OF POLICE,
RASIPURAM POLICE STATION,
NAMAKKAL DISTRICT.

**(*)3 THE SUPERINTENDENT
CENTRAL PRISON, COIMBATORE.**

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S C.PRABAKARAN Advocate on payment of necessary
charges SR.No.6355

Order
in
CRL MP.4190/2022
in
CRL.A.358/2022
Date :21/04/2022

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

CSK 22/04/2022

CSK 28/04/2022