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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2022

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Crl.M.P.No.4024 of 2022

in Crl.A.No.344 of 2022

1.Pandiyan
2.Anandaraj
3.Karthik @ Karthikeyan

.. Petitioners/Accused 2 to 4

Vs.

State of Tamil Nadu represented by
The Inspector of Police,
Kandachipuram Police Station,
Crime No.392/2020,
Villupuram District.

.. 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 10.03.2020 passed in S.C.No.130 of 2020 on the file of the Principal Sessions Court, Villupuram and to enlarge the petitioners on bail pending disposal of the appeal.

For Petitioners : Mr.M.Devaraj

For Respondent : Mr.R.Muniyapparaj
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 petitioners by judgment and order dated 10.03.2020 passed in S.C.No.130 of 2020 on the file of the Principal Sessions Court, Villupuram and to enlarge the petitioners on bail pending disposal of the appeal.



2. The petitioners (AA 2 to 4) faced a prosecution along with Anbu (A1) in S.C.No.130 of 2020 before the Principal Sessions Court, Villupuram, in which, they were convicted of the offence under Section 148 IPC and sentenced to undergo one year simple imprisonment, each.

3. Challenging the above conviction and sentence, the petitioners (AA 2 to 4) have filed CrI.A.No.344 of 2022 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.M.Devaraj, learned counsel for the petitioners (AA 2 to 4) and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is seen that Anbu (A1) in this case has been convicted of the offence under Section 302 IPC and sentenced to undergo imprisonment for life, whereas, the petitioners (AA 2 to 4) herein have been convicted only for the offence under Section 148 IPC and sentenced as stated *supra*.

6. The petitioners (AA 2 to 4) have raised substantial grounds in the appeal, which require detailed appraisal. Taking into consideration the facts and circumstances of the case, this Court is of the view that the petitioners (AA 2 to 4) are 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 petitioners (AA 2 to 4) on the following conditions:

- (i) The petitioners (AA 2 to 4) shall be released on bail on they 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 Principal Sessions Court, Villupuram;
- (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 petitioners (AA 2 to 4) 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/-

05/04/2022

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.

TO

1 THE PRINCIPAL SESSIONS JUDGE,
VILLUPURAM.

2 THE INSPECTOR OF POLICE,
KANDACHIPURAM POLICE STATION,
VILLUPURAM DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S. M.DEVARAJ Advocate on payment of necessary
charges SR.No.5184

Order
in
CRL MP.4024/2022
in
CRL.A.No.344/2022

Date :05/04/2022

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CSK 06/04/2022