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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Crl.M.P.No.4342 of 2022

in Crl.A.No.927 of 2019

Ramachandran

... Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Namakkal Police Station,
Namakkal District.
(Crime No.98/2017)

... 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 06.08.2018 passed in S.C.No.91 of 2018 on the file of the Additional District and Sessions Court, Namakkal and to enlarge the petitioner on bail pending disposal of the appeal.

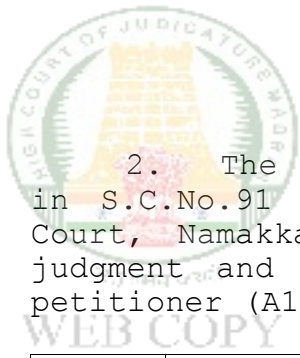
For petitioner : Mr.W.Camyles Gandhi

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 petitioner by judgment and order dated 06.08.2018 passed in S.C.No.91 of 2018 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 (A1) was tried along with six other accused in S.C.No.91 of 2018 before the Additional District and Sessions Court, Namakkal, in the which, the learned trial Judge, has, by judgment and order dated 06.08.2019, convicted and sentenced the petitioner (A1) as under:

S.No.	Provision under which convicted	Sentence
1	Section 148 IPC	Three months rigorous imprisonment.
2	Section 302 IPC	Life imprisonment and fine of Rs.1,000/-, in default to undergo three months rigorous imprisonment.
3	Section 324 IPC (2 counts)	Three months rigorous imprisonment.
The aforesaid sentences were ordered to run concurrently.		

3. Challenging the above conviction and sentences, the petitioner (A1) has filed Crl.A.No.927 of 2019 along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.W.Camyles Gandhi, learned counsel for the petitioner (A1) and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

5. This is the second petition seeking suspension of sentence and bail and the earlier bail petition in Crl.M.P.No.19323 of 2019 in Crl.A.No.927 of 2019 was dismissed by a Division Bench of this Court on 31.07.2020, but, suspension of sentence and bail was granted to all the other accused.

6. It is the case of the prosecution that the petitioner (A1) and the other accused were members of a Kabadi team; the deceased Manikandan belonged to their team, but, defected and joined another team, on account of which, a quarrel ensued between both teams, in which, on 29.01.2017, Manikandan was fatally attacked by the petitioner (A1) and other accused.

7. The learned counsel for the petitioner (A1) submitted that there is no previous case against the petitioner (A1) and all the co-accused have been released on bail. He further submitted that essentially, the quarrel was between two groups of Kabadi players, which had resulted in the death of Manikandan.

8. The petitioner (A1) has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner (A1) have been in incarceration since 06.08.2019. In such view of the matter, this Court is of the view that the petitioner (A1) is entitled to the relief of suspension of sentence and bail.



9. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioner (A1) on the following conditions:

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- (i) The petitioner (A1) 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
- (iii) The petitioner (A1) 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/-
07/04/2022

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 ADDITIONAL DISTRICT AND
SESSIONS JUDGE, NAMAKKAL.

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



3 THE SUPERINTENDENT OF PRISON
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. S.N.ARUN KUMAR Advocate on payment of necessary
charges SR.NO.5331

Order
in
CRL MP.4342/2022
in
CRL A.927/2019

Date :07/04/2022

From 7.2.2001 the Registry is issuing certified
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JPA 08/04/2022