



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.M.P.No.4478 of 2022

in

Cr1.A.No.377 of 2022

1.Shanmugam
2.Rahul
3.Venkatesan

...Petitioners/A1 to A3

Vs.

State by its
Inspector of Police,
Sholingur Police Station,
Sholingur,
Vellore District
(Presently Ranipet District)
(crime No.223 of 2018)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) r/w 439 of Cr.P.C to suspend the sentence of imprisonment imposed by the learned Principal Sessions Judge, Vellore, Vellore District in S.C.No.120 of 2019 dated 21.03.2022 and enlarge the petitioners on bail pending disposal of Cr1.A.No.377 of 2022

For Petitioners : Mr.K.G.Senthilkumar

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

O R D E R

This Criminal Miscellaneous Petition has been filed by the petitioners/A1 to A3, seeking to suspend the sentence of imprisonment imposed upon them in S.C.No.120 of 2019 dated 21.03.2022 by the learned Principal Sessions Judge, Vellore, Vellore District and enlarge the petitioners on bail pending disposal of the above criminal appeal.



2. The petitioners herein are A1 to A3 in S.C.No.120 of 2019 on the file of the learned Principal Sessions Judge, Vellore, Vellore District. They were convicted of the offence under Section 3(1) of Tamilnadu Public Property (Damage and Loss) Act and were sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/- (each), in default to undergo one month simple imprisonment. Aggrieved over the same, the petitioners have filed the present criminal appeal.

3. The case of the prosecution is that one, Sakthivelu who is the conductor of the TNSTC Corporation bus bearing registration No.TN 21 N 1311 lodged complaint stating that when the bus was proceeding near to Paranchi burial ground at Arakkonam, the accused persons wrongfully restrained the bus and uttered filthy words against driver of the bus, thereby caused annoyance in a public place.

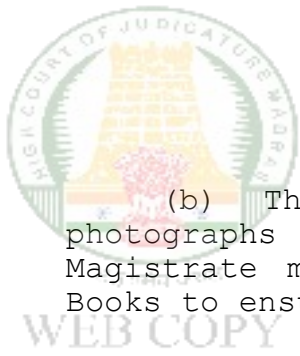
4. According to the learned counsel for the petitioners, there are arguable points available in the Criminal Appeal and the petitioners have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the Petitioners may be suspended.

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 petitioners and the learned Government Advocate (crl.side) appearing for the respondent police, further this appeal is not likely to be taken for final hearing in the near future, 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 petitioners are ordered to be released on bail, on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) (each) with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, Vellore, Vellore District



(b) The petitioners 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 petitioners 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 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.

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

-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 SESSINS JUDGE,
VELLORE, VELLORE DISTRICT.

2 THE INSPECTOR OF POLICE
SHOLINGUR POLICE STATION,
SHOLINGUR, VELLORE DISTRICT.
PRESENTLY RANIPET DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.



+1 C.C. to M/S.K.G.SENTHILKUMAR
charges SR.NO. 5091

Advocate on payment of necessary
Order

in
CRL MP.4478/2022

in
CRL A.377/2022

Date :05/04/2022

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RW 06/04/2022