



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2022

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

CrI.M.P.No.5203 of 2022

in CrI.A.No.202 of 2021

Gopinath

.. Petitioner/Accused No.6

Vs.

State represented by
The Inspector of Police,
G-1, Vepery Police Station,
Vepery, Chennai.
(Crime No.433 of 2016)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389 Cr.P.C., to suspend the sentence imposed on the petitioner by judgment and order dated 03.02.2021 passed in S.C.No.175 of 2017 on the file of the VI Additional Sessions Court, Chennai and to enlarge the petitioner on bail pending disposal of the appeal.

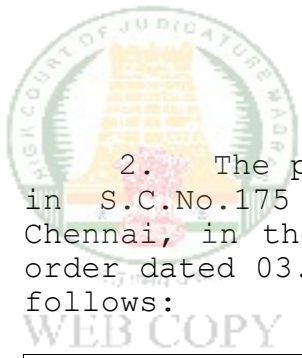
For petitioner : Mr.C.Prabhakaran

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 03.02.2021 passed in S.C.No.175 of 2017 on the file of the VI Additional Sessions Court, Chennai and to enlarge the petitioner on bail pending disposal of the appeal.



2. The petitioner (A6) was tried along with seven other accused in S.C.No.175 of 2017 before the VI Additional Sessions Court, Chennai, in the which, the learned trial Judge, has, by judgment and order dated 03.02.2021, convicted and sentenced the petitioner (A6) as follows:

Provision under which convicted	Sentence
Section 302 r/w 149 IPC	Life imprisonment and fine of Rs.10,000/-, in default to undergo one year rigorous imprisonment.

3. Challenging the above conviction and sentence, the petitioner (A6) has filed Crl.A.No.202 of 2021 along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.C.Prabhakaran, learned counsel for the petitioner (A6) and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

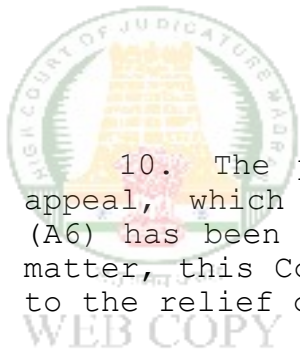
5. It is the case of the prosecution that the murder of the deceased Bala was on account of real estate turf war between two groups; Sathish @ Sathishkumar (A1) and Bala were relatives, but, were pitted against each other in the real estate business and therefore, Sathish @ Sathishkumar (A1) decided to eliminate Bala, for which, he availed the services of the other accused.

6. It is alleged that on 30.04.2016 at 12.00 noon, while Bala was coming by his motorcycle, he was waylaid by the accused and was fatally assaulted.

7. This Court in Crl.M.P.No.11900 of 2021 in Crl.A.No.202 of 2021, has dismissed the suspension of sentence and bail qua Sathish @ Sathishkumar (A1), Majaas Bhai (A2) and Sahayu (A3), as they were the kingpins in the murder of Bala, which occurred in broad daylight in a public road, but, has granted suspension of sentence and bail qua Jahir Usen (A7) and Arunkumar (A8), as their role in the murder of Bala was very minimal.

8. The learned counsel for the petitioner (A6) submitted that the petitioner (A6) holds a degree in Advanced Zoology and Biotechnology and his father is suffering from 4th stage cancer and he is one foot away from the grave. He further submitted that the petitioner (A6) does not have any bad antecedents.

9. The learned Additional Public Prosecutor, on instructions, submitted that there are no previous cases against the petitioner (A6).



10. The petitioner (A6) has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner (A6) has been in incarceration since 03.02.2021. In such view of the matter, this Court is of the view that the petitioner (A6) is entitled to the relief of suspension of sentence and bail.

11. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioner (A6) on the following conditions:

- (i) The petitioner (A6) 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 VI Additional Sessions Court, Chennai;
- (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 (A6) 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/-
22/04/2022

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 VI ADDITIONAL SESSIONS JUDGE,
CHENNAI.



2 THE INSPECTOR OF POLICE,
G-1 VEPERY POLICE STATION,
VEPERY, CHENNAI

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.G.PRABHAKARAN Advocate on payment of necessary
charges SR.NO.6025

Order
in
CRL MP.5203/2022
in
CRL A.202/2021

Date :22/04/2022

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

JPA 25/04/2022