



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.5823 of 2022

in

Crl.A.No.461 of 2022

Manikandan

... Petitioner/Accused

Vs.

The State, represented by,
The Inspector of Police,
K-10, Koyambedu Police Station,
Chennai
(crime No.78 of 2010)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C to suspend the sentence of imprisonment imposed by the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai in S.C.No.212 of 2018 dated 29.03.2022 and enlarge the petitioner on bail pending disposal of Crl.A.No.461 of 2022

For Petitioner : Mr.S.Angamuthu

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/Accused, seeking to suspend the sentence of imprisonment imposed upon him in S.C.No.212 of 2018 dated 29.03.2022 by the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai and enlarge the petitioner on bail pending disposal of the above criminal appeal.

2. The petitioner herein is the accused in S.C.No.212 of 2018 on the file of the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai. He was found guilty of the offence under Sections 294(b), 336, 353, 332, 427 & 506(ii) of IPC and he has been convicted and sentenced as under:



Serial No.	Conviction	Sentence
1	Section 294(b) of IPC	to pay a fine of Rs.500/-, in default to undergo one month simple imprisonment
2	Section 336 of IPC	to pay a fine of Rs.250/-, in default to undergo one month simple imprisonment
3	Section 353 of IPC	to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one month simple imprisonment
4	Section 332 of IPC	to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one month simple imprisonment
5	Section 427 of IPC	undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one month simple imprisonment
6	Section 506(ii) of IPC	undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one month simple imprisonment

Aggrieved over the same, the present appeal has been filed along with the instant miscellaneous petition seeking suspension of sentence and bail.

3. According to the learned counsel for the petitioner/accused, there are arguable points available in the Criminal Appeal and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the Petitioner/accused may be suspended. It is the specific submission made by the learned counsel appearing for the petitioner that the trial court, after awarding the sentence, suspended the same till today i.e. 28.04.2022.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing the 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.



5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. Considering the facts and circumstances of the case, also considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (crl.side) appearing for the respondent police, further this criminal 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 petitioner/accused is ordered to be released on bail, on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai.

(b) The petitioner 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 petitioner 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 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.

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

-sd/-

28/04/2022

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 SESSIONS JUDGE
MAHALIR NEETHIMANDRAM ALLIKULAM,
CHENNAI-600 003

2 THE INSPECTOR OF POLICE,
K10, KOYAMBEDU POLICE STATION,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+2 C.C. to M/S.S.ANGAMUTHU Advocate on payment of necessary
charges SR.NO.6400

Order
in
CRL MP.5823/2022
in
CRL A.461/2022

Date :28/04/2022

From 7.2.2001 the Registry is issuing certified
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JPA 29/04/2022