



Crl.M.P.No.7303 of 2022 in Crl.A.No.53 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 14..09...2022

PRONOUNCED ON : 14..10...2022

CORAM

THE HONOURABLE MR. JUSTICE **P.N.PRAKASH**
AND
THE HONOURABLE MR. JUSTICE **RMT.TEEKAA RAMAN**

Crl.M.P.No.7303 of 2022 in Crl.A.No.53 of 2022

Siva

..... Petitioner

Vs.

State Rep. by
Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri.

Respondent

Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C.
praying to suspend the sentence imposed on the petitioner in S.C.No.69 of
2019 on the file of the learned Additional Sessions Judge, Krishnagiri, by
judgement dated 11.11.2021 and enlarge the petitioner on bail, pending
disposal of the Criminal Appeal No.53 of 2022.

For Petitioner : Mr.S.Ranjith Kumar

For Respondent : Mr.R.Muniyapparaj,
Additional Public Prosecutor

**ORDER****P.N.PRAKASH, J.**

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This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgement and order dated 11.11.2021 in S.C.No.69 of 2019 on the file of the learned Additional Sessions Judge, Krishnagiri, and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who was the sole Accused in S.C.No.69 of 2019 of 2021 on the file of the learned Additional Sessions Judge, Krishnagiri, was convicted and sentenced as follows on 11.11.2021:-

<i>Accused</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Siva (Sole Accused)	Section 302 of IPC	Life imprisonment and fine of Rs.10,000/- in default of payment of fine to undergo simple imprisonment for a further period of six months
	Section 294(b) of IPC	Since trial court convicted the accused for the major offence, it had not imposed any sentence for the offence u/s 294(b) of IPC

3. Challenging the above conviction and sentences, the petitioner has preferred Crl.A.No.53 of 2022 along with the instant criminal miscellaneous



petition seeking suspension of sentence and bail.

4. Heard Mr.S.Ranjit Kumar, learned counsel for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that the petitioner and the deceased were close friends; they went for a movie on 29.07.2018 along with their other friends; the deceased used to refer to the petitioner as “fuo” (Bear) which was not liked by the petitioner; on the fateful day, the deceased is said to have acoustically told in Tamil “fuo te;jpUf;FJ” (Bear has come) which irritated the petitioner and so, the petitioner is said to have taken a beer bottle and fatally attacked the deceased. There are no previous bad antecedents for the petitioner. The petitioner is in incarceration from 11.11.2021.

6. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration since 11.11.2021. Hence, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7. Accordingly, this criminal miscellaneous petition stands allowed and



the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

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- (i) The petitioner shall execute 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 Judge, Krishnagiri, Krishnagiri District;
- (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 Aadhar card or Bank pass book and mobile numbers to ensure their identity; and
- (iii) The petitioner 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 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 their absence, as directed by the trial Court.

[P.N.P., J]

[T.K.R., J]

14..10..2022

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To

- 1.The Addl. Sessions Judge, Krishnagiri, Krishnagiri District.
- 2.The Inspector of Police, Kaveripattinam Police Station, Krishnagiri.
- 3.The Superintendent, Central Prison, Vellore.
- 4.The Public Prosecutor, Madras High Court, Chennai – 600 104.



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P.N.PRAKASH, J.
and
RMT.TEEKAA RAMAN, J.

Pre Delivery Order
in
Crl.M.P.No.7303 of 2022
in
Crl.A.No.53 of 2022

Order Pronounced on
14..10..2022