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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.05.2022

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

Crl.MP.No.6344/2022 in Crl.A.No.375/2021

M.Kenjappa

..Petitioner / A4

Versus

The State represented by
The Inspector of Police
Uddhanapalli Police Station
Hosur, Krishnagiri District.

..Respondent

Prayer:- Criminal Miscellaneous Petition filed under Section 389 of Cr.P.C., to suspend the sentence of life imprisonment ordered by the learned Additional District and Sessions Judge, Hosur in Sessions Case No.20/2017 dated 20.07.2021 and enlarge the appellant/Accused-4 on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.B.Balavijayan

For Respondent : Mr.M.Babu Muthumeeran
Additional Public Prosecutor

ORDER

[Order of the Court was made by R.MAHADEVAN, J.,]

- (1) This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 20.07.2021 passed in S.C.No.20 of 2017 on the file of the Additional District and Sessions Court, Hosur and to enlarge the petitioner on bail pending disposal of the appeal.
- (2) The petitioner, who was the fourth accused in S.C.No.20 of 2017 before the Additional District and Sessions Court, Hosur, was convicted for the offence under Section 302 read with 109 of IPC and under Section 235[2] of IPC and sentenced to undergo life imprisonment and to pay of fine of Rs.40,000/-, in default



to undergo two years rigorous imprisonment for each of the offences.

- (3) Challenging the above conviction and sentence, the petitioner (A4) has filed Crl.A.No.375 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.
- (4) Heard Mr.B.Balavijayan, learned counsel for the petitioner (A4) and Mr.M.Babu Muthumeeran, learned Additional Public Prosecutor appearing for the respondent/State.
- (5) It is the case of the prosecution that on 03.04.2013, around 5.00 p.m., while the deceased Srinivasan was irrigating his land, which was abutting the land of A2, an altercation ensued, in which, A1 to A3 are said to have attacked Srinivasan with wooden reapers while the petitioner herein [A4] abetted A1 to A3 to do away the deceased Srinivasan. Srinivasan succumbed to the injuries.
- (6) The learned counsel for the petitioner (A4) submitted that the petitioner (A4) is 71 years old and suffering from several medical ailments and prayed for suspension of sentence and bail. He also submitted that the co-accused, namely, A2, was granted the relief of suspension of sentence by this Court vide order dated 24.11.2021 in Crl.MP.No.10441/2021 in Crl.A.No.379/2021.
- (7) Taking into consideration the age of the petitioner (A4) and also the fact that the appeal is not likely to be taken up in the near future and further that A2 was granted the relief of suspension of sentence by this Court vide order dated 24.11.2021 who was said to be 80 years old, this Court is inclined to grant suspension of sentence and bail to the petitioner (A4).
- (8) Accordingly, this **criminal miscellaneous petition stands allowed** and the sentence of imprisonment is suspended and bail is granted to the petitioner (A4) on the following conditions:

(i) The petitioner (A4) 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 and Sessions Court, Hosur;

(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 to ensure their identity; and



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(iii) The petitioner (A4) shall appear before the respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioner (A4) 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/-

05/05/2022

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, HOSUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
UDDHANAPALLI POLICE STATION,
HOSUR, KRISHNAGIRI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 C.C. to M/S. B.BALAVIJAYAN Advocate on payment of necessary
charges SR.NO.6740

Order
in
CRL MP.6344/2022
in
CRL A.375/2021

Date :05/05/2022

From 7.2.2001 the Registry is issuing certified
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TA-06/05/2022