

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.6369 of 2022

in

Crl.A.No.481 of 2022

Sakthi Saravanan

... Petitioner

Versus

State of Tamil Nadu  
Represented by Inspector of Police,  
Perambalur Police Station  
Cr.No.313 of 2018,  
Perambalur District.

... Respondent

Prayer: Criminal Miscellaneous Petition is filed under Section 389(1) of the Cr.P.C., to suspend the sentence passed by the learned Sessions Judge, Perambalur in S.C.No.18 of 2019 dated 28.04.2022 and enlarge the petitioner on bail pending the disposal of the above Criminal Appeal.

For Petitioner : M/s.Babu Rangasamy Associates

For Respondent : Mr.S.Vinoth Kumar,  
Govt.Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition is filed to suspend the sentence passed by the learned Sessions Judge, Perambalur in S.C.No.18 of 2019 dated 28.04.2022 and enlarge the petitioner on bail pending the disposal of the above Criminal Appeal.

2. Heard the learned Counsel for the petitioner and learned Government Advocate (Criminal Side) for the respondent.

3. The learned counsel for the petitioner would submit that the evidence on record in this case the petitioner is not within the four corners of the judgment's of the Hon'ble Supreme Court, whereby, the accidents are to be treated for the offence under Section 304(ii) IPC and therefore, he would submit that there was not even materials to convict the petitioner under Section 304-A.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the trial Court has correctly convicted the petitioner.

5. I have considered the rival submissions made on either side and perused the materials on record.

6. Considering the submissions made by the learned counsel for the petitioner and considering the period of sentence imposed on the petitioner and considering the allegations and the fact that he is in prison from 28.04.2022, I am of the considered view that this is a fit case for grant of suspension of sentence pending the above appeal. Therefore, I am inclined to suspend the sentence, pending disposal of the main Criminal Appeal and grant bail to the petitioner on the following conditions:-

(a) the petitioner 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 Trial Court;

(b) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar 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 of 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. This Criminal Miscellaneous Petition is ordered accordingly.

-sd/-

11/07/2022

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  
PERAMBALUR.

2 THE INSPECTOR OF POLICE,  
PERAMBALUR POLICE STATION,  
PERAMBALUR DISTRICT.

3 THE SUPERINTENDENT,  
CENTRAL PRISON, TRICHY.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1C.C. to M/S BABU RANGASAMY ASSOCIATES Advocate on payment of  
necessary charges SR.No.11158

Order  
in  
CRL MP.6369/2022  
in  
CRL.A.481/2022  
Date :11/07/2022

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

CSK 12/07/2022