



Crl.M.P.No.8875 of 2022 in Crl.A.No.663 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.8875 of 2022

in

Crl.A.No.663 of 2022

Poonga @ Ananda Kumar

...

Petitioner

Versus

State represented by
The Inspector of Police,
Walajah Police Station,
Vellore District,
(Cr.No.572 of 2012)

...

Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C.to suspend the sentence passed by the learned II Additional District and Sessions Judge, Vellore @ Ranipet, Vellore District, in S.C.No.145 of 2014 dated 31.07.2019 against the petitioner, enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.V.Rajamohan

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

ORDER

This criminal miscellaneous petition is filed to suspend the sentence passed by the learned II Additional District and Sessions Judge, Vellore @



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Ranipet, Vellore District, in S.C.No.145 of 2014 dated 31.07.2019 against the petitioner, enlarge the petitioner on bail pending disposal of the criminal appeal.

2.The learned counsel for the petitioner would submit that the case of the prosecution is that on account of the victim shaming the wife of the appellant/accused, the appellant/accused had pushed down the victim by hitting him on the neck and face and kicked him and also trampling on his neck and caused his death and therefore, the petitioner was convicted for the offences under Section 304(ii) IPC. He would further submit that there was absolutely no intention and therefore, conviction under Section 304 (ii) IPC by the Trial Court itself was erroneous. He would submit that the petitioner is in prison from 31.07.2019 and prays for bail.

3.Per contra, the learned Government Advocate (Crl.Side) would submit that in this case, prosecution has proved the occurrence to the hilt and the Trial Court has rightly convicted the petitioner.



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4.Considering the nature of allegations, considering the grounds raised by the learned counsel for the appellant in the appeal and considering the fact that the petitioner is in jail from 31.07.2019, I am of the 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 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



5. This Criminal Miscellaneous Petition is ordered accordingly.

29.07.2022

Index : yes/no

Speaking order/Non-speaking order

sli

To

1.The learned II Additional District and Sessions Judge,
Vellore @ Ranipet, Vellore District.

2.The Inspector of Police, Walajah Police Station,
Vellore District.

3.The Judicial Magistrate No.II, Wallajah, Vellore.

4.The Public Prosecutor, High Court of Madras.

5.The Superintendent, Central Prison, Vellore.



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D.BHARATHA CHAKRAVARTHY. J.,

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