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Crl.M.P.No.8956 of 2022 in Crl.A.No.677 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.8956 of 2022

in

Crl.A.No.677 of 2022

Chinnaraj, (Age 60 years),
S/o.Kannan

... Petitioner

Versus

State represented by,
The Inspector of Police,
Peranampet Police Station,
Vellore District.
(Crime No.465 of 2018)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Sections 389 (1) of the Code of Criminal Procedure, pleased to suspend the sentence passed by the Learned Additional District Judge, (Fast Track Court), Vellore, in S.C.No.131 of 2019, dated 02.11.2019, against the petitioner and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr. V. Rajamohan

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



Crl.M.P.No.8956 of 2022 in Crl.A.No.677 of 2022

ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence passed by the Learned Additional District Judge, (Fast Track Court), Vellore, in S.C.No.131 of 2019, dated 02.11.2019 and enlarge him on bail, pending disposal of the 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 taking this Court through the order passed by the Trial Court would submit that this is the case, in which, it is the allegation made with the petitioner as well as the deceased, who were living together in a tent in a road margin, suddenly one day they developed the wordy quarrel, on account of that the petitioner attacked the deceased and caused the death of the deceased. Further, he would submit that petitioner is under incarceration from 02.11.2019 onwards and prays for suspending the sentence.

4.Per contra, the learned Government Advocate (Crl.Side) would submit that the prosecution has proved this case to the hilt and even though the charge



Crl.M.P.No.8956 of 2022 in Crl.A.No.677 of 2022

was for the offence under Section 302 of IPC, and considering the facts that there is some quarrel between them, therefore, the Trial Court has rightly convicted the petitioner for the offence under Section 304(ii) of IPC, and opposed for granting the suspension of sentence to him.

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

6.Considering the nature of allegations in this case, considering the petitioner is under incarceration from 02.11.2019, and considering the fact that it may take a while for this Court to prepare the appeal book and post the matter for final hearing, I am of the view that the petitioner is entitled for bail. Accordingly, the sentence of the petitioner is suspended, pending disposal of the appeal 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



Crl.M.P.No.8956 of 2022 in Crl.A.No.677 of 2022

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.

12.08.2022

Index : yes/no
Speaking order/Non-speaking order

klr

To



Crl.M.P.No.8956 of 2022 in Crl.A.No.677 of 2022

1.The Additional District Judge, (Fast Track Court),Vellore.

2.The Judicial Magistrate Gudiyatham, Vellore District.

3.The The Inspector of Police, Peranampet Police Station, Vellore District.

4.The Public Prosecutor, Madras High Court.

5.The Superintendent, Central Prison, Vellore.

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Crl.M.P.No.8956 of 2022 in Crl.A.No.677 of 2022

D.BHARATHA CHAKRAVARTHY. J.,

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Crl.M.P.No.8956 of 2022
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Crl.A.No.677 of 2022

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