



Crl.M.P.No.10048 of 2022 in Crl.A.No.629 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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in Crl.A.No.629 of 2022

1. Pappu @ Perumayee
2. Selvaraj
3. Murugesan @ Pambu Murugesan
4. Murugesan
5. Elango
6. Venkatesh @ Venkatachalam ... Petitioners

Versus

The State rep. By,
The Inspector of Police,
Molasi Police Station,
Tiruppur District.
Crime No.226 of 2012. ... Respondent

Prayer: Criminal Miscellaneous Petition is filed under Section 389(i) of the Code of Criminal Procedure, pleaded to suspend the sentence of imprisonment imposed in the judgment dated 20.04.2022 made in S.C.No.2 of 2015 on the file of the Ld. Additional Sessions Court, Namakkal and enlarge the petitioners on bail pending disposal of the above Criminal appeal before this Hon'ble Court.



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

ORDER

This Criminal Miscellaneous Petition is filed to suspend the sentence of imprisonment imposed in the judgment dated 20.04.2022 made in S.C.No.2 of 2015 on the file of the Learned Additional Sessions Court, Namakkal and enlarge the petitioners on bail pending disposal of the above Criminal appeal.

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

3. The learned Counsel for the petitioners would submit that the entire case relates to the scuffle, which aroses for a custody of the minor child. The 1st petitioner is the grand mother, who is presently aged about 65 years and he would submit that the overtacts were not directly attributed to her and the allegations of the prosecution is that she only sent all the persons to commit the said crime. Learned counsel would futher



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submit that the petitioners are in prison from 20.04.2022 and prays for grant of bail.

4. Per contra, the learned Government Advocate (Crl.Side) would submit that this is a case in which only on the instance of the 1st petitioner/accused, all the other accused went to the spot and the victims being hit by them and therefore, the trial Court has rightly convicted the petitioners.

5. I have considered the rival submissions made on either side and perused the materials records of this case. Considering the nature of allegations arising out of the scuffle for the custody of a minor child, considering the fact that the victim after suffered head injury, died after a period of 20 days hospitalization, considering the fact that the 1st petitioner is a grand mother aged about 65 years, considering the fact that the petitioners are in jail from 20.04.2022 and considering the fact that it may take a while for this Court to prepare the appeal book ready and post the appeal for final hearing, I am of the view that the this is a fit case for grant



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of suspension of sentence for the petitioners and enlarge the petitioners on bail, pending disposal of the appeal. Therefore, I am inclined to suspend the sentence and grant bail to the petitioners on the following conditions:-

(a) the petitioners are ordered to be released on bail, on their 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 petitioners 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 petitioners 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 they are not able to appear before the Trial Court on any day, they shall make arrangements to file an application under Section 317 of Cr.P.C., and shall appear before the Trial



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Court on any other day in *lieu* of the date of their absence, as directed by the Trial Court.

6. This Criminal Miscellaneous Petition is ordered accordingly.

22.08.2022

Index : yes/no

Speaking order/Non-speaking order

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To

1. The Judicial Magistrate,
Tiruchengode.
2. The Superintendent of Police,
Central Prison,
Coimbatore.
3. The Inspector of Police,
Molasi Police Station,
Tiruppur District.
4. The Public Prosecutor,
High Court of Madras.

D.BHARATHA CHAKRAVARTHY. J.,

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