



Crl.M.P.No.9582 of 20__
in Crl.A.No.132 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

THE HONOURABLE MR. JUSTICE **P.N.PRAKASH**
AND
THE HONOURABLE MR. JUSTICE **RMT.TEEKAA RAMAN**

Crl.M.P.No.9582 of 2022
in Crl.A.No.132 of 2022

Venkatachalam .. Petitioner/Accused No.1

Vs.

State represented by
The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram District.
(Crime No.729 of 2016)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389 (1) Cr.P.C.,
to suspend the sentence imposed on the petitioner by judgment and order
dated 11.08.2021 passed in S.C.No.123 of 2017 on the file of the Principal
Sessions Court, Villupuram District and to enlarge the petitioner on bail
pending disposal of the appeal.

For Petitioner : Mr.S.Silambuselvam

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor



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ORDER
(Made by *P.N.PRAKASH, J.*)

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This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 11.08.2021 passed in S.C.No.123 of 2017 on the file of the Principal Sessions Court, Villupuram District and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who was the first accused in S.C.No.123 of 2017 before the Principal Sessions Court, Villupuram District, was convicted and sentenced as follows on 11.08.2021:

<i>Provision under which convicted</i>	<i>Sentence</i>
Section 120-B	Life imprisonment and fine of Rs.50,000/-, in default to undergo three and a half years simple imprisonment.
Section 302 r/w 120-B IPC	Life imprisonment and fine of Rs.50,000/-, in default to undergo three and a half years simple imprisonment.
The aforesaid sentences were ordered to run concurrently.	

3. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.132 of 2022 along with the instant miscellaneous petition seeking suspension of sentence and bail.

<https://www.mhc.tn.gov.in/judis> 4. Heard Mr.S.Silambuselvan, learned counsel for the petitioner



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and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that the family of Arumugam had constructed a septic tank in the pathway leading to the cremation ground, on account of which, the villagers found it difficult to carry the dead. Due to this, there were frequent quarrel between the two groups, in connection with which, on 07.10.2016, A1 to A15 conspired and eliminated the deceased Ayyanar, son of Arumugam.

6. This Court had dismissed the suspension of sentence and bail petitions of the co-accused including that of the petitioner herein earlier. However, this petition has been filed on the short ground that the petitioner's leg has been amputated due to diabetic gangrene secretion.

7. We called for a report from the prison authorities. The report dated 08.10.2022 submitted by the Medical Officer, Central Prison, Cuddalore, states that the area below the right knee of the petitioner has been amputated on 27.02.2022 in Government Stanley Medical College and Hospital, Chennai. The photograph of the petitioner has also been submitted to us, which reflects the same.



8. It is seen that the petitioner is aged about sixty six years. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration since 11.08.2021. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

9. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioner on the following conditions:

- (i) The petitioner 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 Principal Sessions Court, Villupuram District;
- (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 and mobile number to ensure their identity; and
- (iii) The petitioner 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



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before the trial Court on any other day in lieu of the date of
his absence, as directed by the trial Court.

(P.N.P.,J.) (TKRJ)
11.10.2022

nsd

To

- 1.The Principal Sessions Judge,
Villupuram District.
- 2.The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram District.
- 3.The Superintendent of Prison,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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P.N.PRAKASH, J.
and
RMT.TEEKAA RAMAN, J.
nsd

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