



Crl.M.P.No.9102 of 2022 in Crl.A.No.538 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2022

CORAM :

**THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

Crl.M.P.No.9102 of 2022

in

Crl.A.No.538 of 2021

Sathish (M), aged 30  
S/o. Kumar

... Petitioner

**Versus**

State rep. by  
Inspector of Police,  
E4, Abiramipuram Police Station,  
Chennai.  
Crime No.1909 of 2014.

... Respondent

**Prayer:** Criminal Miscellaneous Petition is filed under Section 389(1) of the Code of Criminal Procedure, pleaded to suspend the sentence imposed on the petitioner in conviction judgment in S.C.No.184 of 2016 dated 14.07.2021 passed by the V Additional Sessions Judge, Chennai and enlarge the petitioner on bail.

For Petitioner : Mr.E.Abdul Rahimon

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



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**ORDER**

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This Criminal Miscellaneous Petition is to suspend the sentence imposed on the petitioner by the judgment, dated 14.07.2021 made in S.C.No.184 of 2016 on the file of the learned V Additional Sessions Judge, Chennai , pending disposal of the above appeal.

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

3. At the outset, the learned Counsel for the petitioner submitted that in this case, the crime number in the case has been wrongly mentioned as 1909 of 2014 while correct number is 1209 of 2014. The same shall stand corrected as Crime No.1209 of 2017.

4. The learned counsel for the petitioner taking this Court through the evidence on record would submit that offence under Section 307 IPC is not at all made out and he has got more than a prima facie case in the appeal. The learned counsel would also bring to the notice of this Court that by an order in Crl.M.P.No.8373 of 2022 in Crl.A.No.538 of 2021,



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already the sentence in respect of the first accused in this case is suspended and the petitioner is similarly arrayed as second accused in this case.

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

6. Considering the nature of allegation of this case and considering the facts that the petitioner is also in prison from 11.11.2021 and considering the fact that the co-accused has been granted relief of suspension of sentence, I am of the view that this is a fit case for grant of suspense 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



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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.

**12.07.2022**

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

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- To
1. The V Additional Sessions Judge, Chennai.
  2. The Superintendent of Police,  
Central Prison, Puzhal,  
Chennai.
  3. The Inspector of Police,  
E4, Abiramipuram Police Station,  
Chennai.
  4. The Public Prosecutor,  
High Court of Madras.



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**D.BHARATHA CHAKRAVARTHY. J.,**

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Crl.A.No.538 of 2021**

**12.07.2022**