



Crl.M.P.No.11091 of 2022
in Crl.A.No.650 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

CORAM

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

Crl.M.P.No.11091 of 2022
in Crl.A.No.650 of 2021

Baskar

.. Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Vellakovil Police Station,
Thiruppur District.
(Crime No.373 of 2013)

.. 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 25.08.2021 passed in S.C.No.116 of 2015 on the file of the III Additional District and Sessions Court, Dharapuram, Tiruppur District and to enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.S.Silambu Selvan

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 25.08.2021 passed in S.C.No.116 of 2015 on the file of the III Additional District and Sessions Court, Dharapuram, Tiruppur District and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who was the accused in S.C.No.116 of 2015 before the III Additional District and Sessions Court, Dharapuram, Tiruppur District, was convicted and sentenced as follows on 25.08.2021:

<i>Provision under which convicted</i>	<i>Sentence</i>
Section 324 IPC	One year simple imprisonment and fine of Rs.1,000/-, in default to undergo three months simple imprisonment.
Section 302 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo six months rigorous imprisonment.
The aforesaid sentences were ordered to run concurrently.	

3. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.650 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.S.Silambu Selvan, learned counsel for the petitioner



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

5. This is the third petition for suspension of sentence and bail and the earlier bail petitions in Crl.M.P.No.13271 of 2021 and Crl.M.P.No.3570 of 2022 were dismissed as withdrawn, as they were filed immediately after the trial Court verdict.

6. It is the case of the prosecution that the petitioner was working in a tasmac shop and the deceased Kittusamy came along with his friend Subramani to consume liquor and asked for a glass, for which, the petitioner is said to have told them that only if money is given, would he provide them a glass, on account of which, a quarrel ensued on 17.11.2013 between the petitioner on one side and Kittusamy and Subramani on the other side. Again, on 18.11.2013, a fresh quarrel ensued, in which, the petitioner had taken a beer bottle and attacked Kittusamy causing his death.

7. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration since 25.08.2021. Taking into consideration the nature of allegations against the petitioner and also taking note of the fact that there are



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no bad antecedents against the petitioner herein, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

8. 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 III Additional District and Sessions Court, Dharapuram, Tiruppur 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 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)
21.09.2022

nsd



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1.The III Additional District and Sessions Judge,
Dharapuram, Tiruppur District.

2.The Inspector of Police,
Vellakovil Police Station,
Thiruppur District.

3.The Superintendent of Prison,
Central Prison, Coimbatore.

4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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and
RMT.TEEKAA RAMAN, J.
nsd

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