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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Cr1.M.P.No.8842 of 2021

in Cr1.A.No.411 of 2021

Koothan

.. Petitioner/Accused No.1

Vs.

State represented by
The Inspector of Police,
Thiruvennainalur Police Station,
Villupuram District.
(Crime No.106/2016)

.. 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.281 of 2016 on the file of the Additional District and Sessions Court, (Fast Track Court), Villupuram and to enlarge the petitioner on bail pending disposal of the appeal.

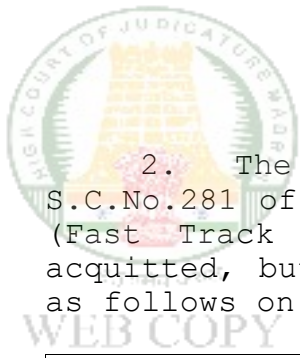
For petitioner : Mr.S.Saravana Kumar

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

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.281 of 2016 on the file of the Additional District and Sessions Court, (Fast Track Court), Villupuram and to enlarge the petitioner on bail pending disposal of the appeal.



2. The petitioner faced trial along with four other accused in S.C.No.281 of 2016 before the Additional District and Sessions Court, (Fast Track Court), Villupuram, in which, accused 2 to 5 were acquitted, but, the petitioner (A1) alone was convicted and sentenced as follows on 11.08.2021:

<i>Provision under which convicted</i>	<i>Sentence</i>
Section 302 IPC	Life imprisonment and fine of Rs.1,000/-, in default to undergo one year rigorous imprisonment.

3. Challenging the above conviction and sentence, the petitioner (A1) has filed Crl.A.No.411 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.S.Saravana Kumar, learned counsel for the petitioner (A1) and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that the petitioner's (A1's) wife Parvathy (A4) was allegedly having an affair with the deceased Sugumar and had once eloped with him and gone away, on account of which, a quarrel ensued between the families of the petitioner (A1) and Sugumar, in which, it is alleged that the petitioner (A1) had assaulted Sugumar with a stick resulting in his death.

6. The petitioner (A1) has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner (A1) has been in incarceration since 11.08.2021. In such view of the matter, this Court is of the view that the petitioner (A1) is entitled to the relief of suspension of sentence and bail.

7. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioner (A1) on the following conditions:

- (i) The petitioner (A1) 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 Additional District and Sessions Court, (Fast Track Court), Villupuram;



(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

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(iii) The petitioner (A1) shall appear before the respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioner (A1) 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.

-sd/-
04/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
(FAST TRACK COURT), VILLUPURAM.

2 THE INSPECTOR OF POLICE,
THIRUVENNAINALLUR POLICE STATION,
VILLUPURAM DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.S.SARAVANA KUMAR Advocate on payment of necessary charges

Order
in
CRL MP.8842/2021
in
CRL.A.411/2021
Date :04/02/2022

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

CSK 08/02/2022