



Order dated : 19.09.20\_\_  
Crl.M.P.No.12097 of 2022  
in Crl.A.No.282 of 2022

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

(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 27.12.2021 passed in S.C.No.226 of 2018 on the file of the District court, Special Court for Trial of Bomb Blast Cases, Coimbatore and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who was the accused in S.C.No.226 of 2018 on the file of the District court, Special Court for Trial of Bomb Blast Cases, Coimbatore, was convicted and sentenced as follows on 27.12.2021:

| <b><i>Provision under which convicted</i></b> | <b><i>Sentence</i></b>                                                                                        |
|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| Section 449 IPC                               | Life imprisonment and fine of Rs.5,000/-, in default to undergo two years rigorous imprisonment.              |
| Section 302 IPC                               | Life imprisonment and fine of Rs.5,000/-, in default to undergo two years rigorous imprisonment.              |
| Section 392 IPC                               | 10 years rigorous imprisonment and fine of Rs.5,000/-, in default to undergo two years rigorous imprisonment. |



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The aforesaid sentences were ordered to run concurrently.

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3. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.282 of 2022 along with this miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.A.Ram Kumar, learned counsel for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that Arukaani @ Arukathal [deceased] was the maternal aunt of the accused. While she was alone at home on 23.09.2016, she was murdered and a police complaint was given by her husband Palanisamy [PW-1], based on which, a case in Anamalai P.S. Crime No.375 of 2016 was registered. The petitioner surrendered before Gayathri, Village Administrative Officer [PW-4] on 12.05.2018 and gave an extra judicial confession. Thereafter, based on his disclosure, gold ornaments viz., chain [MO-1] and a pair of stud [MO-2] were seized.

6. Learned counsel for the petitioner contended that Palanisamy [PW-

1] had not identified the pair of stud [MO-2] nor the photographs [MOs.3 and



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4].

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7. We find that Palanisamy [PW-1] had identified the chain [MO-1]. Be that as it may, the accused is none other than Palanisamy's [PW-1's] brother's son and there is no animus attributed to Palanisamy [PW-1] for falsely implicating his own brother's son. It is also seen that *vide* Exs.P5 and Ex.P6, the accused had pledged the ornaments in Muthoot Finance and Karur Vysya Bank along with his Aadhar Card. This case being a murder for gain, we are of the opinion that it would be in the interests of justice not to grant suspension of sentence and bail. Whatever stated above is only for deciding this petition.

Accordingly, this Criminal Miscellaneous Petition is dismissed.

[PNP, J.] [TKR, J.]  
19.09.2022

gm

To

1.The District court,  
Special Court for Trial of Bomb Blast Cases,  
Coimbatore.

2.The Inspector of Police,  
Anamalai Police Station.

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



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