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CrI.M.P.No.14407 of 2022
in CrI.A.No.1071 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

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

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in CrI.A.No.1071 of 2022

1.Ramasamy
S/o.Ammaasai

2.Yesudoss @ Yesukumar
S/o.Ramasamy

.. Petitioners/AA 1 and 2

Vs.

State represented by
The Inspector of Police,
M-3, Kovilpalayam Police Station,
Coimbatore.
(Crime No.328 of 2017)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389 (1) Cr.P.C.,
to suspend the sentence imposed on the petitioners by judgment and order
dated 04.08.2022 passed in S.C.No.244 of 2018 on the file of the Sessions
Court, Special Court for Bomb Blast Cases, Coimbatore and to enlarge the
petitioners on bail pending disposal of the appeal.

For Petitioners : Mr.John Sathyan
for Mr.C.Prabakaran

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor



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ORDER

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

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioners by judgment and order dated 04.08.2022 passed in S.C.No.244 of 2018 on the file of the Sessions Court, Special Court for Bomb Blast Cases, Coimbatore and to enlarge the petitioners on bail pending disposal of the appeal.

2. The petitioners, who were the first and second accused in S.C.No.244 of 2018 before the Sessions Court, Special Court for Bomb Blast Cases, Coimbatore, were convicted and sentenced as follows on 04.08.2022:

<i>Accused</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Ramasamy (A1) Yesudoss (A2)	Section 302 IPC, each	Life imprisonment and fine of Rs.5,000/-, in default to undergo one year rigorous imprisonment, each.

3. Challenging the above conviction and sentence, the petitioners have filed Crl.A.No.1071 of 2022 along with the instant miscellaneous petition seeking suspension of sentence and bail.

<https://www.mhc.tn.gov.in/jud4>. Heard Mr.John Sathyan, learned counsel representing



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Mr.C.Prabakaran, learned counsel on record for the petitioners and

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

5. It is the case of the prosecution that the deceased Palanisamy and the petitioners were neighbours; the petitioners were having a pig farm and pork outlet near the house of Palanisamy; Palanisamy was constructing a house nearby and there used to be frequent quarrels between the two families for free access to the place of construction; while that being so, it is alleged that on 12.11.2017, an altercation ensued between Palanisamy and the petitioners, pursuant to which, it is alleged that the petitioners attacked Palanisamy fatally.

6. The learned counsel for the petitioners sought permission of this Court to withdraw this criminal miscellaneous petition *qua* Yesudoss @ Yesukumar (A2), second petitioner herein and also made an endorsement to that effect.

7. In view of the submission of the learned counsel for the petitioners and the endorsement made, this criminal miscellaneous petition



petitioner.

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8. Under normal circumstances, we would not have entertained this petition at this juncture, since the conviction and sentence is very recent. However it is pointed out by the learned counsel for the petitioners that Ramasamy (A1), first petitioner herein, is eighty years old and is taking treatment in the prison hospital.

9. Taking into consideration the fact that the first petitioner is eighty years old and his poor health condition, we are inclined to grant suspension of sentence and bail to him.

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

- (i) The first 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 Sessions Court, Special Court for Bomb Blast Cases, Coimbatore;
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may



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obtain a copy of their Aadhar card or Bank pass Book and mobile number to ensure their identity; and

- (iii) The first 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)
14.10.2022

nsd

To

- 1.The Sessions Court,
Special Court for Bomb Blast Cases,
Coimbatore.
- 2.The Inspector of Police,
M-3, Kovilpalayam Police Station,
Coimbatore.
- 3.The Superintendent of Prison,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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