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CrI.M.P.No.14820 of 20__
in CrI.A.No.433 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

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

CrI.M.P.No.14820 of 2022
in CrI.A.No.433 of 2021

Chinraj .. Petitioner/Accused No.1

Vs.

State represented by
The Inspector of Police,
Kadathur Police Station,
Erode District.
(Crime No.87 of 2019)

.. 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 10.08.2021 passed in S.C.No.80 of 2019 on the file of the III
Additional District and Sessions Court, Erode at Gobichettipalayam and to
enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.C.Iyyapparaj

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 10.08.2021 passed in S.C.No.80 of 2019 on the file of the III Additional District and Sessions Court, Erode at Gobichettipalayam and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who was the first accused in S.C.No.80 of 2019 before the III Additional District and Sessions Court, Erode at Gobichettipalayam, was convicted and sentenced as follows on 10.08.2021:

<i>Provision under which convicted</i>	<i>Sentence</i>
Section 147 IPC	Fine of Rs.1,000/-, in default to undergo six months simple imprisonment.
Section 148 IPC	Fine of Rs.2,000/-, in default to undergo six months simple imprisonment.
Section 302 r/w 34 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo one year simple imprisonment.
Section 506 (II) IPC	Fine of Rs.1,000/-, in default to undergo six months simple imprisonment.
The aforesaid sentences were ordered to run concurrently.	



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3. Challenging the above conviction and sentences, the petitioner has filed CrI.A.No.433 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

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

5. It is seen that the co-accused in this case *viz.* Palaniammal (A2), Ramya (A3), Darmaraj (A5) and Suthakar (A6) have been granted suspension of sentence and bail on 08.04.2022 in CrI.M.P.Nos.14048 of 2021 and 4332 of 2022. That apart, the other co-accused *viz.* Balraj (A4) has been granted suspension of sentence and bail on 05.07.2022 in CrI.M.P.No.7857 of 2022.

6. It is the case of the prosecution that the accused belong to one family and they had borrowed a sum of Rs.1,800/- from the deceased Senthil, but, they were not able to repay it, and so, Senthil started abusing the accused family demanding the return of money. In that quarrel, the accused is said to have attacked Senthil and caused his death.



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accused in this case were implicated in the offence. It is also seen that Senthil has to his credit several criminal cases, to establish which, defence has examined Gandhimathi (DW1) and Balraj (DW2).

8. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration since 10.08.2021. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

9. 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, Erode at Gobichettipalayam;
- (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 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)
11.10.2022

nsd

To

- 1.The III Additional District and Sessions Judge,
Erode at Gobichettipalayam.
- 2.The Inspector of Police,
Kadathur Police Station,
Erode District.
- 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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