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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 05.01.2022

PRONOUNCED ON : 27.01.2022

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MS. JUSTICE R.N.MANJULA

Crl.M.P.No.12236 of 2021

in

Crl.A.No.454 of 2021

Jayasimman

... Petitioner/Accused

Vs.

State represented by
The Deputy Superintendent of Police,
Udumalpet,
Tiruppur District.
(Crime No.409/2017)

... Respondent/Complainant

Criminal Miscellaneous Petition filed under Sections 389 Cr.P.C. to suspend the sentence imposed on the petitioner by judgment and order dated 05.07.2021 passed in S.C.No.21 of 2017 on the file of the Principal Sessions Court, Tiruppur and to enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

P.N.PRAKASH, J.

This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order dated 05.07.2021 passed in S.C.No.21 of 2017 on the file of the Principal Sessions Court, Tiruppur and to enlarge the petitioner on bail pending disposal of the appeal.



2. The petitioner, who was an accused in S.C.No.21 of 2017 before the Principal Sessions Court, Tiruppur, was convicted and sentenced as follows on 05.07.2021:

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S.No.	Provision under which convicted	Sentence
1	Section 302 IPC	Life imprisonment and fine of Rs.1,000/-, in default to undergo three months simple imprisonment.
2	Section 201 IPC	Three years rigorous imprisonment and fine of Rs.1,000/-, in default to undergo three months simple imprisonment.

The aforesaid sentences were ordered to run concurrently.

3. Challenging the above conviction and sentences, the petitioner has filed CrI.A.No.454 of 2021 along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.R.Sankarasubbu, 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 the petitioner, deceased Aravindan and Mayavan (PW3) were friends and they often used to consume liquor together; on 09.08.2017, around 4.45 p.m. when they went to consume liquor at a TASMAC bar behind Kalpana theatre in Udumalpet, a wordy quarrel ensued between the petitioner and Aravindan and so, the petitioner and Mayavan (PW3) left Aravindan and took Aravindan's vehicle; thereafter, on the same day, around 8.00 p.m., when Karuppammal (PW11), mother of Aravindan, questioned the petitioner about Aravindan's vehicle, he abused her in filthy language and therefore, Saravanan (PW12), brother of Aravindan, slapped the petitioner; subsequently, around 8.30 p.m., Aravindan and his father went to the house of the petitioner and took back his vehicle; on the same day, around 9.45 p.m., again, a wordy quarrel ensued between the petitioner and Aravindan; again, around 11.00 p.m. to wreak vengeance, Aravindan went to the house of the petitioner and assaulted him on his chest and face with his legs and in retaliation, the petitioner pushed Aravindan down and dropped a grinding stone on his head, which resulted in the death of Aravindan.

6. This case is based on circumstantial evidence. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in



incarceration since 05.07.2021. Hence, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7. Accordingly, this criminal miscellaneous petition stands allowed and the relief of suspension of sentence 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 Principal Sessions Judge, Tiruppur;
- (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 numbers 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.

-sd/-
27/01/2022

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 PRINCIPAL SESSIONS JUDGE
TIRUPPUR DISTRICT.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
UDUMALPET, TIRUPPUR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.



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Order
in
CRL MP.12236/2021
in
CRL A.454/2021
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From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

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