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Crl.M.P.No.15317 of 2022
in Crl.A.No.11 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

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

Crl.M.P.No.15317 of 2022
in Crl.A.No.11 of 2022

Ellappan @ Mannangkatti

.. Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Thakkolam Police Station,
Vellore District.
(Crime No.22 of 2014)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389 (1) & (2)
Cr.P.C., to suspend the sentence imposed on the petitioner by judgment and
order dated 04.12.2021 passed in S.C.No.68 of 2015 on the file of the II
Additional District and Sessions Court, Vellore District @ Ranipet and to
enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.G.Ravikumar

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 petitioner by judgment and order dated 04.12.2021 passed in S.C.No.68 of 2015 on the file of the II Additional District and Sessions Court, Vellore District @ Ranipet and to enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner, who was an accused in S.C.No.68 of 2015 before the II Additional District and Sessions Court, Vellore District @ Ranipet, was convicted for the offence under Section 302 IPC and sentenced to undergo life imprisonment and fine of Rs.10,000/-, in default to undergo six months simple imprisonment.

3. Challenging the above conviction and sentence, the petitioner has filed Crl.A.No.11 of 2022 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.G.Ravikumar, learned counsel for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the



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respondent/State.

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5. It is the case of the prosecution that on account of a dispute between the petitioner and deceased Venkatesan with regard to sharing of water for farming, the petitioner is said to have attacked Venkatesan and caused his death on 13.02.2014.

6. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration since 04.12.2021. That apart, the learned Additional Public Prosecutor submitted that there are no bad antecedents against the petitioner nor he absconded during trial. Therefore, 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 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 II Additional District and Sessions Court, Vellore District @ Ranipet;



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- (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
- (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)
11.11.2022

nsd



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To

- 1.The II Additional District and Sessions Judge,
Vellore District @ Ranipet.
- 2.The Inspector of Police,
Thakkolam Police Station,
Vellore District.
- 3.The Superintendent of Prison,
Central Prison, Vellore.
- 4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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

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