



Crl.MP.No.18742 of 2022 in
CRL.RC No.1545 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.18742 of 2022 in

Crl.RC No.1545 of 2022

Rajesh M/32 years, S/o Kuppan

... Petitioner

Vs.

State Rep. by the Inspector of Police,
Katpadi Police Station,
Katpadi, Vellore District.
(Cr.No.118 of 2013)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) r/w 439 Cr.P.C. to enlarge the petitioner on bail by suspending the sentence imposed in C.A.No.34 of 2019 on the file of the learned Principal District and Sessions Judge, Vellore, confirm the conviction in C.C.No.41 of 2013 on the file of the learned Judicial Magistrate, Katpadi.

For Petitioner : Mr.N.Vijayaraj

For Respondent : Mr.V.Meganathan,



WEB COPY



Crl.MP.No.18742 of 2022 in
CRL.RC No.1545 of 2022

Gov. Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed to enlarge the petitioner on bail by suspending the sentence imposed vide judgement dated 05.03.2019 passed in C.C.No.41 of 2013 by the learned Judicial Magistrate, Katpadi, which was confirmed by the learned Principal District and Sessions Judge, Vellore, vide judgement dated 25.02.2022 in C.A.No.34 of 2019.

2. It is the case the petitioner that the prosecution has not proved the charges framed against the petitioner beyond reasonable doubts and there are contradictions in the evidence deposed by the witnesses. Further it is the contention of the petitioner that, the prosecution has not examined any independent witnesses to prove the offence made against him and there is a fair chance to succeed the Appeal and hence, the petitioner may be released on bail.



WEB COPY



Crl.MP.No.18742 of 2022 in
CRL.RC No.1545 of 2022

3. The Trial Court convicted and sentenced the petitioner to pay a fine of Rs.1,000/- i/d to undergo 3 weeks simple imprisonment for the offence under Section 279 IPC; and sentenced to undergo 2 years Simple Imprisonment and pay fine of Rs.2,000/- i/d to undergo further period of two months. Aggrieved over the above conviction and sentence, the petitioner filed an appeal in C.A.No.34 of 2019 before the Principal District and Sessions Judge, Vellore, however, the Appeal was ended against the petitioner. Challenging the conviction and sentence slapped by the Trial Court, and the first appellate Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that there are arguable points in this appeal. *He further submitted that already the petitioner paid the fine amount and now, he is in custody* and hence, prayed for suspension of sentence.



WEB COPY



Crl.MP.No.18742 of 2022 in
CRL.RC No.1545 of 2022

5. The petitioner has raised substantial grounds in this Criminal Appeal which require detailed appraisal. Further, the Criminal Appeal is not likely to be taken up in the near future. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

6. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner ***shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Katpadi.***

(ii) The petitioner and 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 to ensure their identity.



WEB COPY



CrI.MP.No.18742 of 2022 in
CRL.RC No.1545 of 2022

(iii) The petitioner shall appear before the Trial Court on the first working day of every month until the disposal of the Criminal Appeal.

09.12.2022
(1/2)

Note : Issue Order Copy on 09.12.2022
mst

To

1. The District and Sessions Judge, Vellore District.
2. The Judicial Magistrate, Katpadi, Vellore District.
2. The Central Prison, Vellore.
3. The Inspector of Police,
Katpadi Police Station,
Katpadi, Vellore District.
4. The Public Prosecutor,
High Court of Madras, Chennai.

5 of 6



WEB COPY



Crl.MP.No.18742 of 2022 in
CRL.RC No.1545 of 2022

V.SIVAGNANAM, J.,

mst

Crl.M.P.No.18742 of 2022

in

Crl.R.C.No.1545 of 2022

09.12.2022

(1/2)