



Crl.M.P.No.19285 of 2022
in Crl.A.No.435 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.M.P.No.19285 of 2022
in Crl.A.No.435 of 2022

Chandran @ Chandru

... Petitioner/Appellant

Vs.

State by;
The Inspector of Police
E1, Singanallur Police Station
Coimbatore.
(Crime No.1678/2019)

... Respondent

Criminal Miscellaneous Petition filed under Section 379(1) of Cr.P.C., to enlarge the petitioner on bail by suspending the sentence imposed on him in S.C.No.1 of 2021, on the file of the 1st Additional District & Sessions Judge, Coimbatore, dated 10.03.2022, pending disposal of the above appeal.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor



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ORDER

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N. ANAND VENKATESH, J.

This petition has been filed by the petitioner seeking for the suspension of sentence imposed in S.C.No.1 of 2021, by the I Additional District & Sessions Judge, Coimbatore, through judgment dated 10.03.2022, and to enlarge the petitioner on bail.

2. The petitioner (A2) in S.C.No.1 of 2021 before the I Additional District & Sessions Judge, Coimbatore, was convicted and sentenced as follows:

Sl. No.	Offence under which convicted	Sentence/Punishment
1.	Section 302 IPC	Life Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months Simple Imprisonment.
2.	Section 449 IPC	Ten years Rigorous Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months Simple Imprisonment.
3.	Section 201 IPC	Three years Rigorous Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months Simple Imprisonment.

The aforesaid sentences were ordered to run concurrently.

3. The case of the prosecution is that the deceased Muruganantham and



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A1 were working at ACR Engineering Works and at the request made by the deceased, A1 had parted with a sum of Rs.4,00,000/-during May 2019. A dispute arose through this money transaction and as a result, A1 decided to do away with the deceased Muruganantham. For this purpose, A1 sought for the help of the petitioner (A2).

4. The further case of the prosecution is that on 19.11.2019, A1 and the deceased Muruganantham consumed liquor and A1 dropped Muruganantham at his house at about 02.30 p.m. Thereafter, A1 informed A2 that Muruganantham was lying in an inebriated state and hence, that is the appropriate time to do away with the deceased. Accordingly, A1 and A2 trespassed into the house of the deceased at about 03.00 p.m., and smothered the deceased with a pillow and also strangled the neck of the deceased with a wire and as a result, Muruganantham was done to death.

5. Heard Mr.B.Kumarasamy, learned counsel for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor for the respondent.

6. The case is based on circumstantial evidence. Initially, the respondent police registered the case under Section 174 Cr.P.C, and later, based on the extra



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judicial confession of A1 to the Village Administrative Officer, the case was altered to one under Section 302 IPC.

7. It was contended that on the alleged date when the extra judicial confession was given, P.W.2 in his evidence has categorically stated that the accused persons were already in the custody of the Police, right from 19.11.2019 onwards. It is also brought to our notice that the accused persons accompanied P.W.2 to three hospitals where the deceased was given treatment. The case as projected by the prosecution, as if, the deceased was taken to consume liquor before the incident took place, also stands falsified since the viscera report does not talk about any trace of alcohol in the visceral organs of the deceased.

8. Taking into consideration the facts and circumstances of the case and since a *prima facie* case has been made out and this Court has already granted suspension of sentence to A1 in Crl.MP.No.16444 of 2022 in Crl. Appeal No.332 of 2022, dated 01.12.2022 and also the fact that there are no bad antecedents against the petitioner and the petitioner has already suffered incarceration for nearly nine months and has also paid the fine amount, we are inclined to grant the

relief of suspension of sentence imposed by the Court below in S.C.No.1/2021



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dated 10.03.2022 and enlarge the petitioner(A2) on bail on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-[Rupees Twenty Five Thousand only] with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the trial Court;
- (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 cards or Bank passbooks to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court everyday at 10.30 a.m. for a period of four weeks and thereafter, 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

Accordingly, this Criminal Miscellaneous petition is disposed of.

(P.N.P.,J.)

(N.A.V.,J.)

20.12.2022

Internet : Yes/No
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P.N.PRAKASH,J.

and

N. ANAND VENKATESH, J.

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To

1. I Additional District & Sessions Judge,
Coimbatore.
- 2.The Superintendent of Prison,
Central Prison, Coimbatore.
- 3.The Inspector of Police
E1, Singanallur Police Station
Coimbatore.
- 4.The Public Prosecutor
High Court of Madras.

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