



Crl.MP.No.18737 of 2022 in
Crl.A.No.1238 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.18737 of 2022 in

Crl.A.No.1238 of 2022

1. Rajesh @ Rajasekar, M/ 34 years,
S/o Ramachandiran.
2. Venkatesan, M/31 years,
S/o Tamizharasan.
3. Venkatesh, M/33 years,
S/o Govindaswamy
4. Mani @ Manikandan, M/25 years,
S/o Rajendran
5. Muni @ Manikandan, M/27 years,
S/o Pazhanivel
6. Viji @ Vijay, M/27 years,
S/o Kaipillai Kaliyamurthy
7. Vignesh, M/28 years,
S/o Govindasami

... Petitioners



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Vs.

State Rep. by the Inspector of Police,
Sembanarkoil Police Station,
Sembanarkoil Post, Nagapattinam District,
Crime No.424 of 2016)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 398(1) Criminal Procedure Code to suspend the sentence made in Sessions Case No.22 of 2018 on the file of the Additional District and Sessions Judge, Mayiladuthurai dated 30.09.2002 and grant bail to the petitioners, pending disposal of criminal appeal.

For Petitioners : Mr.D.Veerasekaran

For Respondent : Mr.C.E.Pratap
Gov. Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence made in Sessions Case No.22 of 2018 on the file of the Additional District and Sessions Judge, Mayiladuthurai dated 30.09.2002 and grant bail to the petitioners, pending disposal of criminal appeal.



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2. It is the contention of the petitioners that, the prosecution has not produced any concrete material evidence to prove the allegations made against the petitioners and there is a delay in lodged the complaint. It is the further contention of the petitioners that there is a fair chance to succeed the appeal and hence, they may be released on bail, by suspending the sentence imposed upon them.

3. The Trial Court convicted and sentenced the petitioners, as extracted here under.

- i) for the offence u/s 294(b) IPC, the A1 to A7 were convicted and sentenced to two months RI each;
- ii) for the offence u/s 506(2) IPC the A1 to A7 were convicted and sentenced to three years RI each;
- iii) for the offence u/s 3(i) TNPPDL Act, the A1 to A7 were convicted and sentenced to four years RI along with fine of Rs.2,000/- i/d payment of fine, one more month RI each;
- iv) for the offence u/s 323 IPC, the A2 to A4, A6 and A7 were convicted and sentenced to one year RI each;
- v) for the offence u/s 324 IPC, the A1 is convicted and sentenced to two years RI,



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vi) for the offence u/s 326 IPC, the A5 is convicted and sentenced to seven years RI along with fine of Rs.5,000/- i/d payment of fine,two more months RI u/s 235(2) Cr.P.C.

Further it is ordered to set off the imprisonment already undergone by the accused No.1 to 7 for this case and it is ordered to run the above said sentences concurrently.

4. The learned counsel for the petitioners submitted that there are arguable points in this appeal. ***He further submitted that already the petitioners paid the fine amount of Rs.2,000/- each and now, they are in custody*** and hence, prayed for suspension of sentence.

5. The petitioners have 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 petitioners are entitled to the relief of suspension of sentence.



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6. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail on condition that the each 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 the Additional District and Sessions Judge, Mayiladuthurai*

(ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioners 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)

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Note : Issue Order Copy on 09.12.2022



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To

1. The Additional District and Sessions Judge, Mayiladuthurai
2. The Central Prison, Trichy.
3. The Inspector of Police,
Veeraganoor Police Station,
Salem District.
4. The Public Prosecutor, Madras High Court,
Chennai.



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V.SIVAGNANAM, J.,

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