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Crl.M.P.No.19527 of 2022 in Crl.A.No.1289 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 22.12.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE V.SIVAGNANAM**

**Crl.M.P.No.19527 of 2022**

**in**

**Crl.A.No.1289 of 2022**

C.Ganesan

... petitioner

/vs/

The State, represented  
by Inspector of Police,  
Q-Branch CID, Chennai City  
(Shankar Nagar Police Station)  
Crime No.741/2011

.. Respondent

**Prayer :** Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the sentence imposed against the petitioner on 17.10.2022 in S.C.No.1 of 2019 on the file of the Sessions Court for Exclusive Trial of Bomb Blast Cases, Poonamallee, Chennai and release the petitioner on bail till the disposal of the Criminal Appeal.

For petitioner ... Mr. P. Pugalenthir

For Respondent ... Mr.C.E.Pratap, GA (crl.side)

**ORDER**

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed against the petitioner on 17.10.2022 in



S.C.No.1 of 2019 by the Sessions Court for Exclusive Trial of Bomb Blast Cases, Poonamallee, Chennai and release the petitioner on bail till the disposal of the Criminal Appeal.

2. Totally there are two accused in S.C.No.1 of 2019. The trial court viz., Sessions Court for Exclusive Trial of Bomb Blast Cases, Poonamallee, Chennai, by its judgment dated 17.10.2022, convicted and sentenced A1 and A2 as follows;

| <b><i>Rank of Accused</i></b> | <b><i>Provision under which convicted</i></b>      | <b><i>Sentence</i></b>                                                                                                                 |
|-------------------------------|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| A1                            | Sec.120(b) IPC                                     | To undergo RI for 2 years                                                                                                              |
|                               | Sec.5 (a) of Explosive Substances Act,             | To undergo 10 years RI and to pay a fine of Rs.10,000/-, in default in payment of fine, to undergo SI for 3 years and 4 months         |
|                               | Sec.5 (b) of Explosive Substances Act , 1908       | To undergo 10 years RI and to pay a fine of Rs.10,000/-, in default in payment of fine amount, to undergo SI for 3 years and 4 months. |
|                               | Sec.20 of UA(P) Act, 1967                          | Not found guilty and acquitted from the charge.                                                                                        |
| A2                            | Sec.120(b) IPC                                     | To undergo RI for 2 years                                                                                                              |
|                               | Sec.5 (a) r/w.6 of Explosive Substances Act        | To undergo 10 years RI and to pay a fine of Rs.10,000/-, in default in payment of fine, to undergo SI for 3 years and 4 months         |
|                               | Sec.5 (b) r/w.6 of Explosive Substances Act , 1908 | To undergo 10 years RI and to pay a fine of Rs.10,000/-, in default in payment of fine amount, to undergo SI for 3 years and 4 months. |
|                               | Sec.20 of UA(P) Act, 1967                          | Not found guilty and acquitted from the charge.                                                                                        |

The sentences of imprisonment were ordered to run concurrently.



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3. Aggrieved over the judgment of conviction and sentence imposed, the petitioner / A2 has preferred the present criminal appeal along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. Heard the learned counsel appearing for the petitioner and the learned Govt. Advocate (crl.side) appearing for the State.

5. The learned counsel for the petitioner submitted that there are arguable points in this appeal and the petitioner has a good and fair chance of success in this appeal. He would further submit that the fine amount was not paid and the petitioner has been confined in prison since 17.10.2022. Thus, he prayed for suspension of sentence imposed on the petitioner till the disposal of this Criminal appeal.

6. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence alone is granted on



the following conditions:

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- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each, for a likesum to the satisfaction of the Sessions Court for Exclusive Trial of Bomb Blast Cases, Poonamallee, Chennai
- (ii) The petitioner and the sureties shall affix their photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.
- (iii) The petitioner shall appear before the trial Court as and when required.

22.12.2022

msr

To

1. The Sessions Court for Exclusive Trial of Bomb Blast Cases, Poonamallee, Chennai.
2. The Superintendent, Central Prison-1, Puzhal, Chennai.
3. The Inspector of Police, Q-Branch CID, Chennai City (Shankar Nagar Police Station)
4. The Public Prosecutor High Court, Madras

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**V.SIVAGNANAM, J.**



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