



Crl.M.P.No.749 of 2023 in Crl.A.No.1336 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2023

CORAM

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

Crl.M.P.No.749 of 2023

in

Crl.A.No.1336 of 2022

Jesu Raja @ Rajendran @ Raja @ Police (52)

... Petitioner

Vs.

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

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



Crl.M.P.No.749 of 2023 in Crl.A.No.1336 of 2022

### **ORDER**

WEB COPY

The petitioner, who is the 1<sup>st</sup> accused in S.C.No. 1 of 2019 on the file of the Sessions Court for Exclusive Trial of Bomb Blast Cases, Poonamallee, Chennai, seeks suspension of his sentence of imprisonment.

2. The Trial Court, vide its judgment dated 17.10.2022, acquitted the accused 1 and 2 for the offence under Section 20 of UA(P) Act, 1967, however convicted the accused 1 and 2 for the offences punishable under Sections 120(b) I.P.C., Section 5(a) and 5(b) of Explosive Substances Act, 1908 and sentenced the accused as under:

| <b>Conviction<br/>under Section</b>            | <b>Sentence</b>                                                                                                                           |
|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| 120 (b) I.P.C.                                 | Rigorous Imprisonment for 2 years                                                                                                         |
| Section 5(a) of Explosive Substances Act, 1908 | Rigorous Imprisonment for 10 years and to pay a fine of Rs.10,000/-, in default, to undergo Simple Imprisonment for 3 years and 4 months. |
| Section 5(b) of Explosive Substances Act, 1908 | Rigorous Imprisonment for 10 years and to pay a fine of Rs.10,000/-, in default, to undergo Simple Imprisonment for 3 years and 4 months. |



Crl.M.P.No.749 of 2023 in Crl.A.No.1336 of 2022

WEB COPY

3. Challenging the conviction and sentence slapped by the Trial 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 the petitioner is under custody and hence, prayed for suspension of sentence.

5. Heard the learned Government Advocate (Crl. side) appearing for the respondent and perused the impugned judgment and the materials on record.

6. Taking into consideration of the above submission of the learned counsels appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.



Crl.M.P.No.749 of 2023 in Crl.A.No.1336 of 2022

(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 Sessions Court for Exclusive Trial of Bomb Blast Cases, Poonamallee, Chennai.*

(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.

(iii) The petitioner shall appear before the Trial Court, as and when required.

**30.01.2023**

**Note: Issue order copy on 01.02.2023**

rpl

**To**

1. The Sessions Court for Exclusive Trial of Bomb Blast Cases,  
Poonamallee, Chennai

2. The Superintendent, Central Prison-1, Puzhal, Chennai

4 of 6



Crl.M.P.No.749 of 2023 in Crl.A.No.1336 of 2022

WEB COPY

3. The Inspector of Police,  
Q-Branch CID, Chennai City,  
(Shankar Nagar Police Station)

4. The Public Prosecutor,  
High Court of Madras, Chennai.



WEB COPY



Crl.M.P.No.749 of 2023 in Crl.A.No.1336 of 2022

**V.SIVAGNANAM, J.,**

rpl

**Crl.M.P.No.749 of 2023**  
**in**  
**Crl.A.No.1336 of 2022**

**30.01.2023**