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CrI.M.P.No.1841 of 2023 in
CrI.A.No.427 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CrI.M.P.No.1841 of 2023 in
CrI.A.No.427 of 2020

1.Ganesan
2.Arumugam

.... Petitioners

Vs

State, represented by
Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.

.... Respondent

Prayer : Petition under Section 389(1) of Cr.P.C., to suspend the sentence imposed in S.C.No.118 of 2014 dated 16.10.2020 on the file of the Sessions Judge, Fast Track Mahila Court, Krishnagiri and enlarge the petitioners on bail pending disposal of this criminal appeal.

For Petitioners : Mr.R.Sankarasubbu

For Respondent : Mr.R.Muniyapparaj

Additional Public Prosecutor



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ORDER

[Order of the Court was made by R.SURESH KUMAR, J.]

This petition has been filed to suspend the sentence made in S.C.No.118 of 2014 dated 16.10.2020 on the file of the Sessions Judge, Fast Track Mahila Court, Krishnagiri.

2. Heard Mr.R.Sankarasubbu, learned counsel appearing for the petitioners and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent.

3. This is the case where conviction was earned by these petitioners, who stood as A2 and A4, based on the circumstantial evidences.

4. We have gone through certain portion of the evidences and also the Postmortem report and the nature of the charge framed against the accused where we find some contradictions.



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5. This issue can be decided only after full-fledged hearing, which would be made in the final hearing, for which it will take some reasonable time, hence we feel that since the petitioners had been in incarceration for nearly about 3 years after the conviction they earned and as a pre-trial process, for which they had been in jail for three months and more, the substantive sentence imposed against these petitioners can be suspended at present with certain stringent conditions. Accordingly, the sentence imposed against the petitioners made in S.C.No.118 of 2014 dated 16.10.2020 on the file of the Sessions Judge, Fast Track Mahila Court, Krishnagiri is hereby suspended and they are released on bail subject to the following conditions:

(i) The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri;

(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 Card or Bank Pass Book



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and mobile number to ensure their identity;

(iii) The petitioners shall appear before the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri once in a week i.e. every Monday at 10.00 a.m. or on the first working day of every week, until the disposal of this Criminal Appeal and if they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.

6. This Criminal Miscellaneous Petition is disposed of accordingly.

[R.S.K.J.] [K.B.J.]
03.08.2023

Sgl/vji



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To

- 1.The Sessions Judge,
Fast Track Mahila Court,
Krishnagiri.
- 2.The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.
- 3.The Public Prosecutor,
High Court, Madras.



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R.SURESH KUMAR, J.
And
K.KUMARESH BABU, J.

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