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Crl.M.P.No.2602 of 2023 in Crl.A.171 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.2602 of 2023

in

Crl.A.No.171 of 2023

1. Rajeswari @ Rasu Pillai
2. Alamelu
3. Poomani
4. Gayathiri

... Petitioners

/vs/

State, represented by
The Inspector of Police,
Komarapalayam Police Station,
Namakkal District.

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(i) of Cr.P.C., to suspend the sentence of the petitioners imposed by judgment dated 25.01.2023 passed by the learned Additional District and Sessions Judge, Namakkal in S.C.No.32 of 2019 and enlarge the petitioners on bail, pending disposal of the above Criminal Appeal.

For Petitioner ... Mr.L. Mouli

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



ORDER

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This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of the petitioners imposed by judgment dated 25.01.2023 passed by the learned Additional District and Sessions Judge, Namakkal in S.C.No.32 of 2019 and enlarge the petitioners on bail, pending disposal of the above Criminal Appeal.

2. The trial court, by its judgment dated 25.01.2023 convicted and sentenced the petitioners/A3 to A6 as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A3 to A6	U/s.354 IPC	To undergo 2 years RI ad a fine of R.500/- each, in default, each to undergo 3 months RI
		Acquitted from the charges framed u/s.149 and 302 IPC

3. Challenging the above conviction and sentence, the petitioners have preferred the present criminal appeal, along with the instant miscellaneous petition, seeking suspension of sentence and bail.



4. The learned counsel for the petitioners submitted that the judgment of the trial court is contrary to law, weight of evidence and probabilities of the case. He would further submit that there are arguable points in this appeal and the petitioners have every chance to succeed in this Criminal Appeal Case. Thus, he prayed for suspension of sentence till the disposal of this Criminal Appeal.

5. Heard the learned counsel appearing for the petitioners and the learned Govt. Advocate (crl.side) appearing for the respondent and perused the materials available on record.

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 and bail is granted to the petitioner on the following conditions:

- (i) The petitioners shall surrender before the Trial Court



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within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) each along with two sureties, each for a like sum, to the satisfaction of the Additional District and Sessions Judge, Namakkal

- (ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the above said court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;
- (iii) The petitioners shall appear before the trial Court as and when required.

22.02.2023

msr

To

- 1.The Additional District and Sessions Judge, Namakkal
2. The Inspector of Police,
Komarapalayam Police Station,
Namakkal District.
3. The Public Prosecutor, High Court, Madras.

V.SIVAGNANAM, J.

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