



Crl. M.P. No.11743 of 2023 in Crl.A.No.831 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

Crl.M.P.No.11743 of 2023
in Crl.A. No.831 of 2023

A.Kumaran

...Petitioner

vs.

The State
Rep. by the Inspector of Police,
W-19, All Women Police Station,
Adyar, Chennai.

...Respondent

Prayer : Criminal Appeal filed under Section 389 (1) of Criminal Procedure Code 1973 to suspend the sentence of imprisonment imposed in the judgment passed in S.C.No.254 of 2019 dated 12.07.2023 by the Sessions Court, Mahalir Neethimandram, Allikulam, Chennai pending disposal of the criminal appeal.

For Petitioner : Mr.S.B.Viswanathan

For Respondent : Mr.S.Sugendran

ORDER

This criminal miscellaneous petition is filed seeking suspension of sentence imposed by the Sessions Court, Mahalir Neethimandram, Allikulam, Chennai in S.C.No.254 of 2019 dated 12.07.2023 and to



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enlarge the petitioner on bail.

2. The petitioner is the accused in S.C.No.254 of 2019 before the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai and he was convicted and sentenced on 12.07.2023 as under:

<i>S.No.</i>	<i>Offences under which convicted</i>	<i>Sentence</i>
1	Section 417 IPC	Rigorous imprisonment for one year and to pay a fine of Rs.20,000/- and in default, to undergo simple imprisonment for two months.

3. Heard Mr.S.B.Viswanathan, the learned counsel for the petitioner and Mr.S.Sugendran, learned Additional Public Prosecutor for the respondent.

4. Mr.S.B.Viswanathan, the learned counsel for the petitioner contended that the present petitioner has fair chance to prove his innocence and succeed in the appeal and therefore, he prayed for suspending the sentence till the conclusion of this Revision.



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5. Considering the facts and circumstances of the case, this Court is of the view that the petitioner/appellant is entitled to the relief of suspension of sentence and bail with certain conditions.

6. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioner on the following conditions:

- i. The petitioner shall execute a bond for a sum of Rs.25,000/- each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Sessions Judge Mahila Court, Allikulam, Chennai.
- ii. The sureties shall affix their photographs and Left Thumb Impression on the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- iii. The petitioner shall appear before the respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317



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Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

07.08.2023

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R.HEMALATHA, J.
mtl

To

1.The State

Rep. by the Inspector of Police,
W-19, All Women Police Station,
Adyar, Chennai.

2. The Sessions Court, Mahalir Neethimandram, Allikulam, Chennai.

3.The Section Officer, Criminal Section, Madras High Court, Chennai.

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