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Crl.M.P.No.15281 of 2023 in Crl.A.No.421 of 2021
& Crl.M.P.No.16844 of 2023 in Crl.A.No.28 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2023

Coram

THE HONOURABLE MR.JUSTICE **D.BHARATHA CHAKRAVARTHY**
and

THE HONOURABLE MR.JUSTICE **V.LAKSHMINARAYANAN**

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&

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Selvam

S/o.Radhakrishnan .. Petitioner in Crl.M.P.No.15281/2023

Soundarrajan

S/o.Chinnathambi .. Petitioner in Crl.M.P.No.16844/2023

VS

The State Rep. by its
The Inspector of Police
Taluk Police Station
Villupuram District

Crime No.729 of 2016 .. Respondent in both petitions

Criminal Miscellaneous Petitions filed under 389(1) of Cr.P.C to suspend the sentence passed against the petitioners in S.C.No.123 of 2017 on 11.08.2021 by the learned Principal Sessions Judge, Villupuram and enlarge the petitioners on bail pending disposal of the criminal appeals.

For Petitioners	:	Mr.S.Saravanakumar
[in both petitions]		
For Respondent	:	Mr.A.Gokulakrishnan
[in both petitions]		Additional Public Prosecutor



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COMMON ORDER

[Order of the Court was made by **D.BHARATHA CHAKRAVARTHY, J**]

These two appeals arise out of Sessions Case in S.C.No.123 of 2017 on the file of Principal Sessions Judge, Villupuram.

2. The petitioner/A4 in Crl.A.No.421 of 2021 was convicted for an offence under Section 302 read with 120-B IPC and the petitioner/A2 in Crl.A.No.28 of 2022 was convicted for an offence u/s.302 IPC and were sentenced to undergo life imprisonment and to pay fine of Rs.50,000/-, in default to undergo simple imprisonment for 3½ years.

3. Mr.S.Saravanakumar, learned counsel appearing on behalf of the petitioners submitted that in the connected appeals in respect of accused 3 and 6, sentence has been suspended and these two petitioners are languishing in prison from 11.08.2021 for a period of more than three years and there is no bad antecedent against these petitioners. Even as



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per the allegations, all the petitioners joined together, waylaid the victim and committed the offence. The regular Bench dealing with the matter had specifically the petitioners permitted to move the Vacation Court since Additional Public Prosecutor was not ready on that day.

4.Learned Additional Public Prosecutor, on instructions, submits that there are no bad antecedents in respect of the petitioners, however, he opposes the petitions saying that these petitioners are only having overt acts.

5. We have heard the rival submissions made on both sides and perused the materials and records of the case.

6. Considering the fact that the petitioners are in prison from 11.08.2021, considering the fact that it may take a while to dispose of the main appeals, considering the fact that this Court has already suspended the sentence in respect of the co-accused in the very same case in Crl.A.No.424 of 2021, the sentence imposed on the petitioners is suspended and the petitioners are also enlarged on bail on the following



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conditions:

- (i) Each of the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate I, Villupuram.
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and
- (iii) The petitioners shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeals 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.

(D.B.C.,J.) (V.L.N.,J.)

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Index: Yes/No

Speaking Order/Non-speaking order

Neutral Citation: Yes/No



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To

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- 1.The Judicial Magistrate I,
Villupuram.
- 2.The Inspector of Police
Taluk Police Station
Villupuram District
- 3.The Public Prosecutor,
High Court, Madras.



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D.BHARATHA CHAKRAVARTHY., J
and
V.LAKSHMINARAYANAN., J

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