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*Crl.MP.No.19295 of 2022 in
Crl.A.No.1279 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 27.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.19295 of 2022 in
Crl.A.No.1279 of 2022**

Vijayakumar

... Petitioner

Vs.

The State,
rep. by the Inspector of Police,
Counterfeit Currency Wing,
Crime Branch CID.
Chennai.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C to suspend the sentence of imprisonment imposed on the petitioner/accused No.4 by the learned Sessions Judge for Bomb Blast Cases, Coimbatore, vide judgement dated 20.09.2022 made in S.C.No.20 of 2021 and release him on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.S.Suresh

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



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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner/Accused No.4 by the Trial Court in S.C No.20 of 2021, vide judgement dated 20.09.022, pending disposal of the Criminal Appeal.

2. The learned Sessions Judge for Bomb Blast Cases, Coimbatore, vide judgement dated 20.09.2022 passed in S.C.No.20 of 2021 convicted and sentenced the petitioner/Accused No.4, as extracted hereunder.

Conviction under Section	Sentence
Sec.120B r/w 489A, 120B r/w 489B and 120B r/w 489D	7 years Rigorous Imprisonment for each offence and to pay a fine of Rs.2,500/- each, in default, to undergo one year simple imprisonment.
Sec.120B r/w 489C	3 years Rigorous Imprisonment.
Sec.489C	3 years Rigorous Imprisonment.

3. Challenging the conviction and sentence slapped by the Trial Court, the petitioner is before this Court.



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4. The learned counsel for the petitioner submitted that there are arguable points in this Criminal Appeal. He further submitted that the petitioner is in custody from 19.06.2018 to 31.08.2018 and thereafter 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. Considering the incarceration suffered by the petitioner and also taking into consideration of the above submission of the learned counsel 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.

(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.25,000/- (Rupees twenty***



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***five thousand only) with two sureties each for a like sum to the satisfaction
of the learned Sessions Judge for Bomb Blast Cases, Coimbatore.***

(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.

**27.01.2023
(1/2)**

Index:Yes/No
Internet:Yes/No
raa

To

- 1.The Sessions Judge for Bomb Blast Cases, Coimbatore,
- 2.The Superintendent, Central Prison, Coimbatore.
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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27.01.2023

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