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Crl.M.P.No.19462 of 2022 in Crl.A.No.1286 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.19462 of 2022

in

Crl.A.No.1286 of 2022

P. Govindan

... Petitioner

/vs/

The State represented by
the Inspector of Police,
K.R.P. Police Station,
Krishnagiri
Dharmapuri District
Cr.No.89/2018.

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the sentence imposed in judgment and conviction passed in S.C.No.45 of 2019, dated 25.11.2022 on the file of the learned Additional Sessions Judge, Krishnagiri and release the petitioner on bail pending criminal appeal.

For Petitioner

... Mr. P. Vetrivel

For Respondent

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

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner in S.C.No.45 of 2019 by



judgment dated 25.11.2022 passed by the learned Additional Sessions Judge, Krishnagiri, and release the petitioner on bail, pending disposal of the above appeal.

2. The petitioner, who is A2 in S.C.No.45 of 2019 is convicted and sentenced by the trial court, by its judgment dated 25.11.2022 as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A2	U/s.304(ii) IPC	To undergo 5 years RI and a fine of Rs.1,000/-, in default in payment of fine, to undergo three months SI
	U/s.324 IPC	To undergo RI for one year

Fine amount was already paid.

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner in S.C.No.45 of 2019, the petitioner has filed the present criminal appeal, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. The learned counsel for the petitioner 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 petitioner has every chance to succeed in this Criminal appeal and the petitioner is confined in prison. Thus, he prayed for suspension of sentence till the disposal of this Criminal Appeal.

5. Heard the learned counsel for the petitioner and learned Govt. advocate (crl.side) and perused the entire material evidence 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 petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of Judicial Magistrate No.II, Krishnagiri.

(ii) The petitioner 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 petitioner shall appear before the trial Court as and when required.

20.02.2023

msr

Note: Issue order copy on 06.03.2023

To

- 1.The Additional Sessions Judge, Krishnagiri
2. The Judicial Magistrate No.II, Krishnagiri.
3. The Inspector of Police, K.R.P. Police Station, Krishnagiri, Dharmapuri District
4. The Public Prosecutor, High Court, Madras.
5. The Superintendent, Central Prison, Vellore.



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V.SIVAGNANAM, J.

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