



Crl.M.P.No.8 of 2023
in Crl.A.No.344 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2023

CORAM

THE HON'BLE MR. JUSTICE **P.N.PRAKASH**
AND
THE HON'BLE MR. JUSTICE **N.ANAND VENKATESH**

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in Crl.A.No.344 of 2022

Anbu

.. Petitioner/Accused No.1

Vs.

State of Tamil Nadu represented by
The Inspector of Police,
Kandachipuram Police Station,
Villupuram District.
(Crime No.392 of 2020)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioner by judgment and order dated 10.03.2022 passed in S.C.No.130 of 2020 on the file of the Principal Sessions Court, Villupuram District and to enlarge him on bail pending the disposal of the appeal.

For Petitioner : Mr.M.Devaraj

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor



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ORDER

WEB COPY (Order of the Court was made by *N.ANAND VENKATESH, J.*)

This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order dated 10.03.2022 passed in S.C.No.130 of 2020 on the file of the Principal Sessions Court, Villupuram District and to enlarge him on bail pending the disposal of the appeal.

2. The petitioner, who was the first accused in S.C.No.130 of 2020 before the Principal Sessions Court, Villupuram District, was convicted and sentenced as follows on 10.03.2022:

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1	Section 302 IPC	Life imprisonment and to pay a fine of Rs.2,000/-, in default to undergo three months simple imprisonment.
2	Section 148 IPC	One year simple imprisonment.
The aforesaid sentences were ordered to run concurrently.		

3. Challenging the above conviction and sentences, the petitioner (A1) has filed Crl.A.No.344 of 2022 along with the instant miscellaneous petition seeking suspension of sentence and bail.



4. The case of the prosecution is that on 17.05.2020 around 4.30 p.m., Sujith, son of Panneerselvam (PW2), was playing in the streets and at that point of time, a juvenile accused person viz. Arun came in a two wheeler in a rash and negligent manner and was about to hit Sujith. When this was questioned by Panneerselvam (PW2), a wordy quarrel arose between them. In continuation to this incident, the said juvenile Arun had brought the other accused persons and went to the house of Panneerselvam (PW2) and started abusing Panneerselvam (PW2) in filthy language and the deceased Jayabal attempted to prevent any untoward incident and he was attacked by the petitioner (A1) with a wooden log in his head. The injured eye-witness Panneerselvam (PW2) was attacked with a wooden log by other accused persons. Jayabal was rushed to the hospital, but, he succumbed to the injuries.

5. Heard Mr.M.Devaraj, learned counsel for the petitioner (A1) and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

6. The learned counsel for the petitioner (A1) submitted that there was heated exchange of words between the parties before the incident took place and the case of the prosecution is that a single blow was given to Jayabal



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by the petitioner (A1) on his head and ultimately, the cause of death was ascertained as head injury that was caused by the petitioner (A1). He further submitted the entire incident took place in the heat of the moment and there was no intention to do away with Jayabal. He also brought to the notice of this Court the fact that the petition seeking suspension of sentence and bail filed by the other accused viz. Pandiyan (A2), Anandaraj (A3) and Karthik @ Karthikeyan (A4) was allowed by this Court in Crl.M.P.No.4024 of 2022 by order dated 05.04.2022.

7. It is seen that the petitioner (A1) has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner (A1) has no bad antecedent against him and already, he has undergone incarceration for nearly ten months. In such view of the matter, we are inclined to grant suspension of sentence and bail to the petitioner (A1).

8. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner (A1) on the following conditions:

- (i) The petitioner (A1) shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Principal Sessions Court, Villupuram District ;



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- (ii) 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; and
- (iii) The petitioner (A1) 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 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.

(P.N.P.,J.) (N.A.V.,J.)
09.01.2023

Index : Yes/No
Neutral citation : Yes/No
nsd

P.N.PRAKASH, J.
and
N.ANAND VENKATESH, J.



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nsd

WEB COPY

To

- 1.The Principal Sessions Judge,
Villupuram District.
- 2.The Superintendent of Prison,
Central Prison,
Cuddalore.
- 3.The Inspector of Police,
Kandachipuram Police Station,
Villupuram District.
4. The Public Prosecutor,
Madras High Court,
Chennai – 600 104.

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