



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Thirteenth day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR
and
The Hon`ble Mr.Justice K.K.RAMAKRISHNAN

CRL MP(MD) No.13689 of 2022
in
CRL A(MD) No.726 of 2022

NAGARAJ

... PETITIONER/APPELLANT

Vs

State Rep.by
THE INSPECTOR OF POLICE
KEELAKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

... RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed on the Petitioner in SC No.72/2019, dt.20.07.2022 on the file of the Principal Sessions Judge, Ramanathapuram and enlarge the Petitioner on bail till the disposal of appeal.

PRAYER IN CRL A(MD).726/2022 :

To call for the records relating to the judgment in S.C.No.72 of 2019, dated 20.07.2022 on the file of the Principal Sessions Judge, Ramanathapuram and set aside the same and acquit the appellant / accused from of all charges leveled against the petitioner.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.SENTHIL KUMAR R, Advocate for the petitioner and of MR.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

(Order of the Court was made by R.SURESH KUMAR, J.)

This petition has been filed to suspend the sentence imposed against the petitioner in S.C.No.72 of 2019, dated 20.07.2022 on the file of the Principal Sessions Court, Ramanathapuram and enlarge him on bail pending disposal of the Criminal Appeal.



2. Heard Mr.R.Senthil Kumar, the learned counsel appeared for the petitioner and Mr.E.Antony Sahaya Prabahar, the learned Additional Public Prosecutor appearing for the respondent.

3. There are two accused, namely, A1 and A2 and against A1, there has been a specific overt act and insofar as this petitioner/A2 is concerned, even the charge made against him by the prosecution, according to the impugned judgment, was that he just held the deceased and at that time, A1 punched the deceased with Thirukaival which caused the death of the deceased.

4. If that being so, based on the evidence, whether the present petitioner/A2 would get any solace, is to be decided only at the time of final hearing of the appeal, for which, it will take some reasonable time. Since A1 already died and A2 is the only person who is suffering with this conviction and he has been in jail since July 2022 and there is no further antecedent insofar as this petitioner is concerned to the knowledge of this Court, we feel that this petition can be ordered and accordingly, it is ordered with the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Ramanathapuram;

(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 shall appear before the learned Principal Sessions Judge, Ramanathapuram, once in a month, the first such appearance shall be made insofar as June, 2023 is concerned, on 23.06.2023 at 10.30 a.m. and subsequently, on the first working day of every English Calendar month, the petitioner shall appear before the said Court at 10.30 a.m. until further orders and if he is not able to appear before the said Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the said Court on any other day in lieu of the date of his absence, as directed by the said Court.

sd/-

13/06/2023

/ TRUE COPY /

16/06/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb



TO

1 THE PRINCIPAL SESSIONS JUDGE, RAMANATHAPURAM.

2 THE INSPECTOR OF POLICE, KEELAKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.SENTHIL KUMAR, Advocate (SR-8597[I] dated 13/06/2023)

ORDER
IN
CRL MP(MD) No.13689 of 2022
in
CRL A(MD) No.726 of 2022
Date :13/06/2023

RS/VR/SAR-(16.06.2023) 3P 6C