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CrI MP No.3751 of 2023 in
CrI.A.No.269 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.M.P.No.3751 of 2023
in CrI.A.No.269 of 2023

1.Sivakumar
2.Ranadeep @ Ranadevan
3.S.Manikandan @ Scoopi Mani
4.S.Manikandan @ Opannumani
5.Vikaram

... Petitioners/A.1 to A.5

Vs.

The State by
The Inspector of Police
Selvapuram Police Station
Coimbatore City.
Cr.No.441 of 2014)

... Respondent / Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 389 (1) of Cr.P.C. praying to suspend the conviction and sentence passed in S.C.No.314 of 2015 on the file of the Principal District and Sessions Judge at Coimbatore dated 08.02.2023, pending final disposal of the main Criminal Appeal and enlarge the petitioners on bail.

For Petitioners : Mr.T.Elumalai
For Respondent : Dr.C.E Pratap,
Govt. Advocate (CrI.side)



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ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioners in S.C.No.314 of 2015 by the Principal District and Sessions Judge at Coimbatore dated 08.02.2023, pending final disposal of the main Criminal Appeal and enlarge the petitioners on bail.

2. The case the prosecution is that the petitioners, gathered near a temple, in an inebriated condition, quarrelled with each other and caused nuisance to the general public; that when PW1 & PW6 rushed to the spot, the petitioners joined together and pushed them and thereafter abused them in filthy language; that thereafter the petitioners smashed and broke the rear wind shield of the patrol jeep and caused damage to the tune of Rs.3519/-; and that a case was registered against the petitioners for the offence under Sections 147 & 332 of IPC and 3 (1) of TNPPDL Act.

3. The petitioners/Accused in S.C.No.314 of 2015 were convicted by the Trial Court and sentenced to undergo simple imprisonment for a period of three months each and to pay a fine of Rs.1000/- each and in default of payment of fine, to undergo simple imprisonment for a period of fifteen days



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each for the offence u/s 147 IPC and sentenced to undergo simple imprisonment for a period of six months each and to pay a fine of Rs.2,000/- each in default to undergo Simple imprisonment for a period of one month each for the offence u/s 332 IPC. A.1, A.2 & A.4 have been convicted and sentenced to undergo simple imprisonment for a period of one year each and to pay a fine of Rs.3,000/- each, in default of payment of fine thereof, to undergo simple imprisonment for a period of one month each for the offence under Section 3(1) of TNPPDL Act.

4. The learned counsel for the petitioners would submit that the sentence imposed on them was suspended for a period of one month; and that there are several arguable points in the above appeal which requires consideration and prayed for suspension of sentence.

5. Heard both sides and perused the records.



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6. Considering the fact that the petitioners have raised substantial grounds in the above appeal which requires consideration and the fact that the trial court had suspended the sentence for a period of one month, this court is inclined to grant the relief of suspension of sentence to the petitioners.

7. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioners is suspended and the petitioners are ordered to be released on bail on the following conditions:

- (i) The petitioners shall execute a bond for a sum of Rs.10,000/- each, with two sureties, each for a like sum to the satisfaction of the learned Principal District and Sessions Judge at Coimbatore ;
- (ii) The petitioners 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 and mobile numbers to ensure their identity; and



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(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 appeal 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.

10.12.2024

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SUNDER MOHAN, J.

rgt

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