



Crl.M.P.No.3970 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.M.P.No.3970 of 2024

in Crl.A.No.270 of 2024

1.Baskaran

2.Karthick

...Petitioners

Vs.

The State represented By
The Inspector of Police,
Panamarathupatti Police Station,
Salem District.
(Crime No.140 of 2015)

...Respondent

Prayer: Miscellaneous Petition has been filed under Section 389(1) of Cr.P.C., to suspend the sentence of imprisonment passed in Sessions Case No.296 of 2016 on the file of the learned II Additional District and Sessions Judge Salem and to enlarge the petitioners on bail.

For Petitioners : Mr.K.V.Sridharan

For Respondent : Mrs.G.V.Kasthuri

Additional Public Prosecutor

ORDER

This Criminal Miscellaneous petition has been filed to suspend the sentence of imprisonment imposed on the petitioners in Sessions Case



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No.296 of 2016 on the file of the learned II Additional District and Sessions Judge Salem vide Judgment dated 15.02.2024 and to enlarge the petitioners on bail.

2. The trial Court has convicted the petitioner/A1 and sentenced to undergo rigorous imprisonment for a period of ten years with a fine of Rs.5,000/- in default of payment of fine, to undergo Simple imprisonment for six months under Section 395 of IPC r/w 397 of IPC in and in respect of petitioner/A2, sentenced to undergo rigorous imprisonment for a period of ten years with a fine of Rs.5,000/- in default of payment of fine, to undergo Simple imprisonment for six months under Section 395 of IPC. The petitioners were in judicial custody for a period of more than five years.

3. The case of the prosecution is that the petitioners and the other accused were decided to commit dacoity of defacto complainant's money. Hence, the complaint was registered by the defacto complainant, the respondent police has registered a case.



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4. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and the amount has been recovered from the petitioners and the other accused, the same has been handed over to the defacto complaint. Hence, he prayed for grant of bail to the petitioners.

5. Learned Additional Public Prosecutor appearing for the respondent police submitted that no previous case is pending against the petitioners.

6. Considering the fact that no previous case is pending against the petitioners and also considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners. Accordingly, petitioners ***are ordered to be released on bail*** subject to the following conditions:

(i) each of the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Salem.



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(ii) the petitioners shall appear before the respondent police weekly twice i.e. Monday and Friday of every week at 10.30 a.m. until disposal of the appeal.

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msv

Note to office: Issue order copy on 12.06.2024

Index : Yes/No
Speaking Order : Yes/No
NCC : Yes/No

To

1. The Judicial Magistrate No.I Salem

2. The Central Prison,
Coimbatore.

3. The Inspector of Police,
Panamarathupatti Police Station,
Salem District.

4. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

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