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Crl.M.P.No.5756 of 2024 In Crl.A.No.363 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2024

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.No.5756 of 2024

In

Crl.A.No.363 of 2024

1.Anbu @ Anbazhagan
2.Balu

... Petitioners

Vs.

The State Rep By:
The Inspector of Police,
E-3, Teynampet Police Station,
Chennai 606 006.
(Crime No.1173 of 2012)

... Respondent

Prayer :

Criminal Miscellaneous Petition filed under Section 389 (1) of Criminal Procedure Code praying to suspend the sentence of imprisonment imposed in the judgment dated 13.02.2024 passed by the Hon'ble V Additional Sessions Judge, Chennai in S.C.No.442 of 2014 and enlarge the petitioners on bail pending disposal of the above criminal appeal.



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For Petitioners : Mr.R.Thirumoorthy
For Respondent : Mr.G.V.Kasthuri
Additional Public Prosecutor

ORDER

This miscellaneous petition is filed to suspend the sentence of imprisonment imposed in the judgment dated 13.02.2024 passed by the learned V Additional Sessions Judge, Chennai in S.C.No.442 of 2014 and enlarge the petitioners on bail pending disposal of the above criminal appeal.

2.Appellants were convicted for the offence under Sections 294(b) and 307 r/w.34 of I.P.C. and were sentenced to pay a fine of Rs.1,000/- each for the offence under Section 294(b) of I.P.C., in default to undergo two months simple imprisonment and to undergo seven years rigorous imprisonment and to pay a fine of Rs.50,000/- each, in default to undergo one year simple imprisonment for the offence under Section 307 r/w.34 of I.P.C. under judgment in S.C.No.442 of 2014 dated 13.02.2024. Hence, the appellants seek suspension of sentence.



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3.The learned counsel for the appellants would submit that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. He would further submit that the appellants are now confined in Central Prison, Puzhal.

4.Heard the submissions of the learned Additional Public Prosecutor.

5.Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the appellants are entitled for the relief of suspension of sentence.

6.Accordingly, the substantive sentence of imprisonment alone is suspended and the appellants are directed to be enlarged on bail, on condition that the appellants shall execute a bond for a sum of Rs.10,000/- each (each Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned V Additional



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Sessions Judge, Chennai and on further condition that the appellants shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending appeal.

7.This criminal miscellaneous petition is ordered accordingly.

01.04.2024

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

To

- 1.The V Additional Sessions Judge,
Chennai.
- 2.The Inspector of Police,
E-3, Teynampet Police Station,
Chennai 606 006.
(Crime No.1173 of 2012)
- 3.The Central Prison,
Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

M.DHANDAPANI,J.

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