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Crl.M.P.No.6157 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.6157 of 2024

in Crl.A.No.402 of 2024

Shanmugam

...Petitioner

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 petitioner on bail.

For Petitioner : 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 petitioner in Sessions Case No.296 of 2016 on the file of the learned II Additional District and



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Sessions Judge Salem vide Judgment dated 15.02.2024 and to enlarge the petitioner on bail.

2. The trial Court has convicted the petitioner/A8 and sentenced him to 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 petitioner was in judicial custody for a period of more than five years.

3. The case of the prosecution is that the petitioner 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.

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

5. Learned Additional Public Prosecutor appearing for the



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respondent police submitted that no previous case is pending against the petitioner.

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

(i) the petitioner shall 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.

(ii) the petitioner 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.

11.06.2024

msv

Note to office: Issue order copy on 12.06.2024

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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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M.DHANDAPANI, J.

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