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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.No.8292 of 2024

in

Crl.A.No.727 of 2024

Naveenkumar

... Petitioner

-Vs-

The Inspector of Police,
Gudiyatham Town Police Station,
Vellore District.
(Crime No.1671 of 2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389 (1) of the Criminal Procedure Code, 1973, to suspend the sentence imposed by the learned I Additional District and Sessions Judge, Vellore vide judgment dated 28.03.2024 in S.C.No.29 of 2022 and enlarge the petitioner on bail pending disposal of the above appeal.

For petitioner : Mr.Muthamizh Selvakumar

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

**ORDER**

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The criminal appeal has been filed as against the judgment and sentence passed by the learned I Additional District and Sessions Judge, Vellore, in S.C.No.29 of 2022 dated 28.03.2024 in and by which, the petitioner was convicted for the offence under Sections 294(b) and 307 of IPC. The petitioner was sentenced to undergo one month of simple imprisonment under Section 294(b) of IPC and to undergo ten years of rigorous imprisonment and pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of three months for the offence under Section 307 of IPC. The above said sentences shall run concurrently. Challenging the same, the appellant has filed the above criminal appeal and the present miscellaneous petition seeking suspension of sentence of imprisonment.

2. The learned counsel for the petitioner submitted that he was implicated for the offence under Sections 294(b) and 307 of IPC. The petitioner is undergoing imprisonment for nearly four years and till date, he was not enlarged on bail.

3. The learned counsel for the appellant has raised several arguable



grounds insofar the appeal is concerned and it will take some more time for this Court to take up the criminal appeal and to dispose of the same.

4. Considering the facts and circumstances of the case, the petitioner is in incarceration for more than four years and that he was not enlarged on bail till date, the Criminal Miscellaneous Petition is ordered and the punishment of imprisonment imposed as against the petitioner is hereby suspended and he is directed to be released on bail on the following conditions:

a) the petitioner shall execute a bond for a sum of Rs.10,000/- to the satisfaction of the learned I Additional District and Sessions Judge, Vellore along with two sureties for a like sum;

b) the appellant shall report before the trial Court on the first working day of every Monday and Friday at 10.00 a.m., pending disposal of the appeal.



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5. Post the main appeal in the usual course and as per the seniority.

12.06.2024
(2/2)

vji

Note: Issue order copy on 12.06.2024



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To

1. The Central Prison,
Vellore.
2. The learned I Additional District
and Sessions Judge,
Vellore.
3. The Inspector of Police,
Gudiyatham Town Police Station,
Vellore District.
4. The Public Prosecutor,
High Court of Madras,
Madras.



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6

M.DHANDAPANI, J.

vji

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