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Crl.MP.No.12574 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.MP.No.12574 of 2024

in Crl.A.No.1127 of 2024

Vellingiri

...Petitioner

Versus

State rep. by
The Inspector of Police,
Thadagam Police Station,
Crime No.41 of 2021,
Coimbatore District.

...Respondent

Prayer:- Criminal Miscellaneous Petition filed under Section 430 (1) of BNSS to suspend the sentence of imprisonment imposed in the judgment dated 28.09.2022 made in S.C.No.176 of 2021 on the file of the Sessions Court (Bomb Blast Cases), Coimbatore and enlarge the petitioner on bail pending disposal of the above criminal appeal before this Court.

For Petitioner : Mr.R.T.Vishnu
For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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ORDER

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[Order of the Court was made by S.M.SUBRAMANIAM, J]

This criminal miscellaneous petition has been filed seeking to suspend the sentence of imprisonment imposed in the judgment dated 28.09.2022, passed in S.C.No.176 of 2021, on the file of the Sessions Court (Bomb Blast Cases), Coimbatore and enlarge the petitioner on bail pending disposal of the above criminal appeal before this Court.

2.The petitioner/appellant in the above case was convicted and sentenced to undergo rigorous imprisonment for life with a fine of Rs.1,000/-, in default to pay the fine, to undergo rigorous imprisonment for one year for the offence under Section 302 IPC and three years of rigorous imprisonment for the offence under Section 506 (ii).

3.Aggrieved against the judgement of conviction and sentence imposed on the petitioner/appellant by the trial Court, in S.C.No. 176 of 2021, the petitioner/appellant has filed the present criminal appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.



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4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the impugned judgment and the materials on record.

5. We have perused the evidence of PW3 Eye witness. It seems that the scene of occurrence aroused on the spur of the moment and therefore, arguable points are involved in the present criminal appeal. The prisoner is already in actual imprisonment for about three years. Considering the said fact, we are inclined to consider the present petition.

6. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence of imprisonment is **suspended** and the sentence imposed on the petitioner is suspended on the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two independent sureties, each for a like sum to the satisfaction of the ***learned Judicial Magistrate No.I, Coimbatore.***



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(ii)The petitioner 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

(iii)The petitioner 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.

[S.M.S., J.] [V.S.G., J.]
25.10.2024

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To

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- 1.The Judicial Magistrate No.I,
Coimbatore.
- 2.The Inspector of Police,
Thadagam Police Station,
Crime No.41 of 2021,
Coimbatore District.
- 3.The Superintendent, Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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V.SIVAGNANAM, J.

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