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*Crl.M.P.Nos.16934, 16936 & 17247 of 2023
in Crl.A.Nos.723, 722 & 716 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.Nos.16934, 16936 & 17247 of 2023
in Crl.A.Nos.723, 722 & 716 of 2023

Gopal (Balan)	...	Petitioner in Crl.MP No.16934 of 2023
Gowtham (Kawataiyan)	...	Petitioner in Crl.MP No.16936 of 2023
Jeeva (Jeevanandham)	...	Petitioner in Crl.MP No.17247 of 2023

Vs.

State represented by Inspector of Police, C-1, Kattoor L&O Police Station, Coimbatore (Crime No.294 of 2018)	...	Respondent / Complainant in all Crl.MPs
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Common Prayer : Criminal Miscellaneous Petitions havebeen filed under Section 389 (1) of Cr.P.C. praying to suspend the sentence imposed on the petitioners in S.C.No.62 of 2021 on the file of the Sessions Court for Trial of Bomb Blast Cases, Coimbatore dated 12.06.2023 and release the petitioners on bail.



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In all Crl.MPs.

For Petitioner : Mr.S.Doraisamy
For Respondent : Dr.C.E Pratap,
Govt. Advocate (Crl.side)

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed to suspend the sentence imposed on the petitioners in S.C.No.62 of 2021 on the file of the Sessions Court for Trial of Bomb Blast Cases, Coimbatore dated 12.06.2023 and release the petitioners on bail.

2. The case of the prosecution is that the petitioners are members of “A” political party and that one of the leaders belonging to “B” party had announced that the statue of Periyar statue in Tamilnadu also should be demolished like the demolition of Lenin statue in Tirupura; that the petitioners conspired to manufacture petrol bomb and in pursuance of said conspiracy, manufactured bombs, threw it on the “B” party head office.

3. The petitioners/accused in S.C.No.62 of 2021 were convicted by the Trial Court by judgment dated 12.06.2023 under Section 120(B) IPC r/w 4 (a)



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of Explosive Substance Act and sentenced each of the petitioners to undergo Rigorous Imprisonment for **Seven (7)** years and to pay a fine of Rs.1,000/- each and in default of payment of fine thereof, to undergo further period of 6 months simple imprisonment and under Section 4(a) of Explosive Substance Act and sentenced to undergo Rigorous Imprisonment for **Seven (7)** years and to pay a fine of Rs.1,000/- each and in default of payment of fine thereof, to undergo further period of 6 months simple imprisonment.

4. The learned counsel for the petitioners would submit that the petitioners were sentenced to seven years and they are in custody from 12.06.2023 and that they were also in custody during trial for a substantial period; and that they have raised several arguable points in the above appeals; that the evidence of the witnesses PW1 to PW3 cannot be believed; and that there are several lacunae in the prosecution case which requires consideration in the above appeals.

5. Heard the learned Government Advocate (crl.side) for the respondent, per contra submitted that the prosecution had established its case beyond reasonable doubt by examination of eye-witnesses and also other witnesses to



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prove the circumstances against the petitioners and therefore no ground has been made by the petitioners for suspension of sentence. The learned Government Advocate (crl.side) for the respondent, on instructions further submitted that there are no previous cases pending against the petitioners.

6. Considering the fact that the petitioners have raised several arguable points in the above appeals which requires consideration; and that they are in custody from 12.06.2023; and that they were in custody for about two months during investigation; and that the appeals are not likely to be taken up in the near future, this court is inclined to grant the relief of suspension of sentence to the petitioners.

7. Accordingly, these criminal miscellaneous petitions stand **allowed** and the sentence imposed on the petitioners is suspended and the petitioners are ordered to be released on bail on the following conditions:

- (i) The petitioners shall execute a bond for a sum of Rs.10,000/- each, with two sureties, each for a like sum to the satisfaction of the learned Sessions Court for Trial of Bomb Blast Cases, Coimbatore ;



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(ii) The petitioners 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 petitioners 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 and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

03.12.2024

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Note : Issue order copy by 04.12.2024
Upload the order copy forthwith.



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SUNDER MOHAN, J.

rgt

To

1. The Sessions Judge,
Bomb Blast Court,
Coimbatore.

2. The Inspector of Police,
C-1, Kattoor L&O Police Station,
Coimbatore

3. The Superintendent of Police
Central Prison,
Coimbatore.

4. The Public Prosecutor,
High Court, Madras.

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