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*Crl.M.P.No.15952 of 2024
in Crl.A.No.1201 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: **24-01-2025**
CORAM
THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL MP NO. 15952 of 2024
in Crl.A.No.1201 of 2023

1. Yuvaraj
2. Bala Murugan

Petitioners

Vs

State Rep. By
Inspector of Police
J-13, Taramani Police Station
Taramani, Chennai 600 113
(Crime No.97 of 2013)

Respondent(s)

For Petitioner(s):

Mr.M.Raja

For Respondent(s):

Dr.C.E.Pratap Govt Advocate (Crl Side)

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430(1) of BNSS praying to suspend the sentence passed in S.C.No.366 of 2018 dated 05.10.2023 on the file of the Sessions Judge, Mahalir Neethi Mandram, Allikulam, Chennai and enlarge the petitioner on bail till disposal of the above criminal appeal.



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ORDER

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This Criminal Miscellaneous Petition has been filed under Section 430(1) of BNSS praying to suspend the sentence passed in S.C.No.366 of 2018 dated 05.10.2023 on the file of the Sessions Judge, Mahalir Neethi Mandram, Allikulam, Chennai and enlarge the petitioner on bail till disposal of the above criminal appeal.

2.The case of the prosecution is that on 22.01.2023 at about 6.45 p.m. due to a prior dispute regarding a monetary transaction, the petitioners in furtherance of common intention to cause the death of witnesses came to the place of occurrence, wrongfully restrained them; that A1 caused injuries on the witness Rajeswari on her hand with knife that A2 caused injuries on the witness Vanitha and stabbed her; and that they thus committed the offences U/s.341 and 307 r/w 34 I.P.C

3. The petitioners/Accused in Special S.C.No.366 of 2018 were convicted by the Trial Court vide judgment dated 05.10.2023 for the offences U/s.341 and 307 r/w 34 (2 counts), and sentenced to undergo one month R.I. to each and to pay a fine of Rs.500/- each in default to undergo S.I. for one



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week each under Section 341 I.P.C. and sentenced to undergo R.I. for ten years each and to pay a fine of Rs.5,000/- each in default to undergo S.I. for 3 months each, per counter U/s.307 r/w 34 I.P.C. (2 counts). Aggrieved by the same, he filed Crl.A.No.1201 of 2023 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

3.The learned counsel for the petitioners would submit that the petitioners have raised several arguable points in the above appeal which requires consideration; that the evidence of the witnesses P.W.1 and P.W.2 is contrary to the statements made to the doctor, and recorded in the Accident Register, which has been marked as Ex.P2 and Ex.P3; that one of the injured witnesses was not examined; and that there are several other contradictions and that in any case the offence U/s.307 I.P.C. is not made out.

4.Heard the learned Government Advocate (Crl. Side). Perused the counter affidavit.

5.The learned Government Advocate (Crl. Side) per contra submitted that evidence of P.W.6 inspires confidence. He added on instructions that the



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petitioners are in custody from 05.10.2023.

6.It is seen from the records that the petitioners have raised several substantial grounds in the above appeal. One of the injured witnesses has not been examined by the prosecution. The petitioners are in custody from 05.10.2023. The appeal is not likely to be taken up in the near future.

7.Considering the fixed period of incarceration imposed by the trial Court and the period of incarceration suffered by the petitioners and since there are several arguable points in the above appeal which requires consideration, this Court is inclined to suspend the sentence.

8. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioners is suspended till the disposal of the above Criminal appeal and the petitioners are ordered to be released on bail on the following conditions:

- (i) The petitioners/accused shall execute a separate bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the



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satisfaction of the XVIII Metropolitan Magistrate, Saidapet.

(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 U/s.317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

24.01.2025
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SUNDER MOHAN, J.

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To

1.The Session Court
Maglir Neethi Mandram
Allikulam

2.The Inspector Of Police
J-13, Taramani Police Station
Taramani, Chennai 600 113

3.The Superintendent,
Central Prison
Puzhal

4.The Public Prosecutor,
High Court, Madras.

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