

**In The Court Of The Principal District And Sessions Judge, Pudukkottai**  
**Present : Tmt.G.Subathira Devi, M.L.,**  
**Principal District And Sessions Judge, Pudukkottai**  
**Friday, 19th day of July 2024**

**M.P. No. 01/2024**  
**Crime No.212/2019**  
**CA.No. 63/2024**

Anand @ Ananda Murugan, Aged32/2024,  
s/o.Muthu.

... Petitioner/Accused

//Versus//

The State,  
Rep. by the Inspector of Police,  
Alangudi Police Station, Pudukkottai.  
**Cr.No.212/2019**

... Respondent/Complainant

This petition coming on this day for hearing before me, in the presence of Thiru.G. Arockyasamy, Advocate for the petitioner and of Thiru. B.Venkatesan, Public Prosecutor for the respondent/complainant after hearing both side arguments and upon perusing the records and materials, this Court passed the following:

**ORDER**

1) Both sides heard. Records perused.

2) The learned counsel for the petitioner submitted that in C.C No.47/2022 the learned Judicial Magistrate, Alangudi has convicted the petitioner u/s 379 of IPC to undergo Six months rigorous imprisonment and directed to pay a fine of Rs.1000/- in default to undergo simple imprisonment for one month and the petitioner is strongly believed that in appeal he would succeed and it would take some time for hearing the appeal and he prays to suspended the sentence till the disposal of the appeal order in C.C No.47/2022.

3) On the other hand, the learned Prosecutor has not raised any objection.

4)The decision reported in Hon'ble Supreme Court of India, Miscellaneous application No.1849/2021 dated 11.07.2023- Satender Kumar Antil vs CBI and another, it was held as follows,,

**E) Criminal Procedure Code, 1973- Sections 389 and 436A- Suspension of sentence and release on bail- “presumption of innocence” and “bail is rule and jail is exception” may not be available to appellant who has suffered conviction- Mere pendency of an appeal per se would not be a factor- Though delay in taking up main appeal would certainly be a factor and benefit available under section 436A would also be considered, Courts will have to see relevant factors including conviction rendered by trial Court- Delay in taking up main appeal or revision coupled with benefit conferred under section 436A of Code among other factors ought to be considered for a favourable release on bail- in a case where an appeal is pending for a long time , to bring it under 436A period of incarceration in all forms will have to be reckoned, and so also for revision. (Pages42,43,44,46)**

5) In view of the decisions cited supra Considering both side submissions and considering the plea made by the petitioner this court is inclined to suspend the sentence of imprisonment imposed on the C.C No.47/2022 till the disposal of the appeal.

6) The petitioner/appellant/accused is directed to execute a bond for Rs.10,000/- with two sureties for the like sum each to the satisfaction of the District Munsif cum Judicial Magistrate, Alangudi and the petitioner is directed to appear before this court on 16.08.2024 and subsequent hearings.

7) In the result, the suspension of sentence petition is allowed.

Dictated to Steno Typist and pronounced by me in the open Court on this day 19th July 2024.

Principal Sessions Judge,  
Pudukkottai.

**Copy to**

- 1) The District Munsif cum Judicial Magistrate, Alangudi.
- 2) Thiru.G. Arockyasamy, Advocate for petitioner.