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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Eighteenth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.NAGAMUTHU
and

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL MP (MD) Nos.9373 to 9375 of 2016

IN

CRL A (MD) No.192 of 2016

MUNIYAPPAN

..PETITIONER/1ST APPELLANT
in Cr1.MP (MD) No.9373/2016
in Cr1.A (MD) No.192/2016

RANJITHKUMAR

..PETITIONER/2ND APPELLANT
in Cr1.MP (MD) No.9374/2016
in Cr1.A (MD) No.192/2016

VIJAYAKUMAR

..PETITIONER/3RD APPELLANT
in Cr1.MP (MD) No.9375/2016
in Cr1.A (MD) No.192/2016

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE,
MAYANOR POLICE STATION,
KARUR DISTRICT.

(CRIME NO.98 OF 2014 RESPECTIVELY) ..RESPONDENT/COMPLAINANT
IN ALL THE PETITIONS

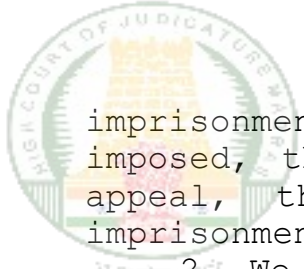
Prayer in CRL MP (MD) Nos.9373 to 9375 of 2016:

Petitions praying that in the circumstances stated therein and in the petitions filed therewith the High Court will be pleased to suspend the operation of the sentence imposed by the Mahalir Neethi Mandram (Fast Track Mahila Court), Karur in sessions case No.63 of 2015 dated 26.04.2016 and grant bail to the petitioner/appellants 1 to 3, till the disposal of the criminal appeals respectively.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.E.K.KUMARESAN, Advocate for the petitioners in all the petitions and of Mr.R.RAMACHANDRAN, Additional Public Prosecutor on behalf of the Respondent in all the petitions, the court made the following order:-

(Order of the Court was made by S.NAGAMUTHU, J)

The petitioners/appellants are the accused 1 to 3 in S.C.No.63 of 2015 on the file of learned Mahila Fast Track Sessions Court, Karur. They have been convicted for the offence under Section 120 (b) and 302 IPC and the maximum sentence imposed upon them is



imprisonment for life. Challenging the said conviction and sentence imposed, the petitioners have come up with this appeal. Pending appeal, they seek suspension of the substantive sentence of imprisonment imposed on them.

2. We have heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent and we have also perused the records carefully.

3. It is a case based on circumstantial evidence. The prosecution has mainly relied on the evidence of P.Ws.12, 11,4 and 5, who have stated that these three accused were found in the place of occurrence, somewhere, at or about the time of occurrence. It is in evidence that they are closely related to the deceased and that they have not disclosed the same, the learned counsel contended. From and out of evidence of these eye witnesses, we cannot presume that they are the perpetrators of the crime. Thus, there are arguable points in favour of the petitioners. Therefore, we are inclined to suspend the sentence of imprisonment alone imposed on the petitioners pending appeal.

4. Accordingly, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioners alone is suspended and the petitioners are directed to be enlarged on bail, on the following conditions:-

Each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Mahalir Neethi Mandram, (Fast Track Mahila Court), Karur District and on further condition that the petitioners shall report before the concerned court at 10.30 a.m., on the first working day of every English Calender Month, until further orders.

sd/-

18/10/2016

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE MAHILA FAST TRACK SESSIONS JUDGE, KARUR.
- 2 THE MAHALIR NEETH MANDRAM (FAST TRACK MAHILA COURT), KARUR.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE, MAYANOR POLICE STATION,
KARUR DISTRICT.

+3. C.C. to M/S.E.K.KUMARESAN Advocate SR.No.61177

ORDER IN

CRL MP(MD)Nos.9373 to 9375 of 2016

IN CRL A(MD) No.192 of 2016

Date :18/10/2016