

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eleventh day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice N. AUTHINATHAN

CRIMINAL MISCELLANEOUS PETITION No.868 of 2017

IN CRL A.37/2017

SWAMY @ SIVAKUMAR

[PETITIONER]

Vs

STATE REPRESENTED BY ITS [RESPONDENT]
DEPUTY SUPERINTENDENT OF POLICE,
SATHYAMANGALAM DIVISION,
ERODE.(THALAVADI P.S.CR.NO.125 OF 2014)

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.37/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed upon the appellants herein by the learned Sessions Judge (Mahila Fast Track Court), Erode in SC.No.120 of 2016 dated 28.12.2016 and release the petitioners herein on bail pending disposal of the above Crl.A.No.37/2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.37/2017 on the file of the High Court and upon hearing the arguments of M/S.R.KARTHIKEYAN, Advocate for the petitioner and of MR. K.MATHAN, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

The petitioner is the accused in S.C.No.120 of 2016 on the file of the learned Sessions Judge (Mahalir Fast Track Court), Erode. He was convicted and sentenced to undergo 10 years of Rigorous Imprisonment and to pay a fine of Rs.10,000/- for the offence under Section 306 IPC in default to undergo two years simple imprisonment.

2. The accused is the husband of the deceased Baghya. It is said that the marriage between the accused and the deceased Baghya was solemnized in the year 2012. It is alleged that the accused used to harass his wife and unable to bear the ill-treatment meted at by the accused, the deceased wife committed suicide on 16.10.2014 by hanging herself. According to the prosecution, the deceased was humiliated by the appellant as she was dark in colour.

3. The learned Government Advocate (Crl.Side) has filed a counter opposing the grant of suspension of sentence and bail.

4. The learned Government Advocate(Crl.Side) would also submit that the trial court, on the basis of the materials available on record has convicted the accused and it is not a fit case for suspension of sentence.

5. The learned counsel for the appellant would submit that based on insufficient materials, the trial court convicted that the accused had abetted the suicide of the victim. He has also pointed out that it is not a case of dowry harassment and therefore, the petitioner may be granted bail pending the appeal.

6. I have perused the judgment of the trial court and the grounds of appeal. The petitioner has raised arguable points of fact in law. He has been in custody for more than six months. It is said that he was on bail during trial. The appeal is not likely to be disposed of within a reasonable time. He was sentenced to a fixed period of ten years and already paid the fine amount.

7. In view of the above mentioned facts and circumstances of the case I am inclined to suspend the sentence.

8. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that 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 Judicial Magistrate, Sathyamangalam, Erode District and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-
11/07/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
SATHYAMANGALAM, ERODE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 DEPUTY SUPERINTENDENT OF POLICE,
SATHYAMANGALAM DIVISION, ERODE. (

5 THE SUPERINTENDENT,
CENTRAL PRISON FOR MEN, COIMBATORE.

6 THE SESSIONS JUDGE (MAHALIR FAST TRACK COURT),
ERODE.

C.C. to M/S.R.KARTHIKEYAN Advocate on payment of necessary
charges Sr.12899

Order

in
CRL MP.868/2017

in
CRL A.37/2017

Date :11/07/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

rvr 12/07/2017