

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty First day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice N. AUTHINATHAN

CRIMINAL MISCELLANEOUS PETITION No.9078 of 2017

IN CRL A.281/2017

V.RAMESH

[PETITIONER]

Vs

THE STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,

GOBICHETTIPALAYAM POLICE STATION,

ERODE DISTRICT.

CR.NO.312 OF 2014.

Petition praying that in the circumstances stated therein the High Court will be pleased to suspend the sentence of imprisonment imposed in the judgment dated 26.04.2017 made in S.C.No.37 of 2016 on the file of the learned Additional Sessions Judge Magalir Neethi Mandram (Fast Track Mahila Court), Erode and enlarge the petitioner on bail pending disposal of the above C.A.No. 281 of 2017 on the file of this Honble Court.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.N.MANOKARAN, Advocate for the petitioner and of MR.K.MADHAN GOVERNMENT ADVOCATE [CRL.SIDE] on behalf of the Respondent the court made the following order:-

Heard both sides.

2. The petitioner/appellant herein is the accused in S.C.No.37 of 2016 on the file of the Additional Sessions, Magalir Neethi Mandram [Fast Track Mahila Court], Erode. He was convicted of the offences under Sections 498[A], 323 and 306 IPC and sentenced to undergo three years Rigorous Imprisonment and also to pay a fine of Rs.2,000/-, in default, to undergo six months Simple Imprisonment for the offence under Section 498[A] IPC, sentenced to undergo one year Rigorous Imprisonment and also to pay a fine of Rs.1,000/-, in default, to undergo three months Simple Imprisonment for the offence under Section 323 IPC, and sentenced to undergo 10 years Rigorous Imprisonment and also to pay a fine of Rs.10,000/-, in default, to undergo two years Simple Imprisonment for the offence under Section 306 IPC. The sentences of imprisonment were ordered to run concurrently. Aggrieved by the judgment of the Trial Court, he has preferred the above appeal. Pending appeal, the present petition has been filed to suspend the sentence.

3. The petitioner is the husband of the deceased. The allegation against the petitioner is that he subjected his wife / deceased to cruelty demanding dowry and suspected her fidelity and used to beat her, using hands. On 02.07.2014, the petitioner drove the deceased to commit suicide. On the basis of the evidence, the Trial Court has convicted and sentenced the accused as aforesaid.

4. The learned counsel appearing for the petitioner would submit that the accused has examined 6 witnesses and marked 5 exhibits in support of his case. He would further submit that the neighbour of the deceased was examined to substantiate the case that the deceased was not subjected to cruelty. He has also pointed out that the call details made from the phone used by the deceased to show that she was in touch with some other person and her mother [P.W.4] reprimanded her [deceased] and that, prompted the deceased to commit suicide. The petitioner was not responsible for the suicide of the deceased. He has pointed out that the petitioner was on bail during trial and it is a fit case for ordering suspension of sentence.

5. The learned Government Advocate [Criminal Side] appearing for the respondent opposed the petition stating that it is a case of suicide due to harassment and the Trial Court has rightly convicted the accused and that, the petitioner is not entitled to be released on bail at this stage.

6. I have perused the grounds of appeal and the judgment of the Trial Court. It is not in dispute that the marriage between the deceased and the accused had taken place in the year 2004 and the unfortunate event has happened on 02.07.2014 i.e. after 10 years. It is also seen that they have two children, now aged-5 and 3. It is significant to note that the accused immediately after the occurrence has not absconded, he only took the deceased to the hospital where she was declared brought dead.

7. It is seen that the accused has raised arguable points. The appeal is not likely to be disposed of within a short time. The petitioner has been in custody since 26.04.2017 and there is no fear that he will flee from justice. The petitioner was sentenced to a fixed period of ten years imprisonment. He was on bail during trial. Having regard to these circumstances and in view of the fact that the accused has to take care of his two minor children and taking all these factors into consideration, I am inclined to suspend the sentence of imprisonment alone till the disposal of the appeal and grant bail subject to stringent condition.

8. Hence, the sentence of imprisonment imposed on the petitioner by the Trial Court alone is hereby suspended till the disposal of the appeal and the petitioner is ordered to be enlarged on bail on executing a bond for Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the learned

Judicial Magistrate No.I, Gobichettipalayam, within a period of two weeks from the date of this order and on further condition that the petitioner shall report before the Trial Court once in a week on every Monday at 10.30 a.m. until further orders.

-sd/-
21/07/2017

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,
NO.I, GOBICHETTIPALAYAM,
ERODE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE ADDITIONAL SESSIONS JUDGE
MAGALIR NEETHI MANDRAM
(FAST TRACK MAHILA COURT) ERODE.

6 THE INSPECTOR OF POLICE,
GOBICHETTIPALAYAM POLICE STATION,
ERODE DISTRICT.

+1C.C. to M/S.N.MANOKARAN Advocate on payment of necessary charges in SR.NO. 13745

Order

in
CRL MP.9078/2017

in
CRL A.281/2017

Date :21/07/2017

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format
MLT 27/07/2017