



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

PRESENT

**The Hon`ble Dr.Justice S.VIMALA**

and

**The Hon`ble Mrs.Justice T.KRISHNAVALLI**

CRL MP(MD) No.493 of 2018

IN

CRL A(MD) No.500 of 2017

SURESH

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY,  
THE DEPUTY SUPERINTENDENT OF POLICE,  
THIRUVIDAIMARUTHUR SUB DIVISION,  
THANJAVUR DISTRICT  
(F.I.R. IN CRIME NO.126/2013,  
PANDANALLUR POLICE STATION)

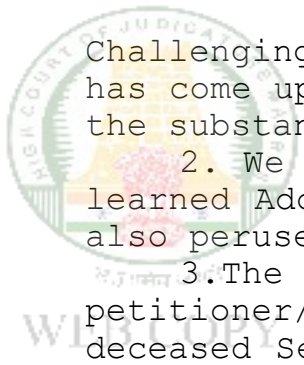
... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail by suspending the sentence imposed upon him in S.S.C.NO. 66 of 2014 on the file of the Learned I Additional District & Sessions Judge (P.C.R.), Thanjavur, Thanjavur District dated 06.10.2017 pending disposal of the main Criminal Appeal

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.A.THIRUVADI KUMAR, Advocate for the petitioner and of MR.K.S.DURAI PANDIAN, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

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

The petitioner/appellant is the sole accused in Special S.C.No.66 of 2014 on the file of the I Additional District & Sessions Judge, (PCR) Thanjavur, Thanjavur District. He has been convicted for the offence under Sections 417 and 306 IPC r/w 3(2)(v) of the SC/ST (Prevention of Atrocities) Act and sentenced to undergo imprisonment for life and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for one year for offence under Section 306 IPC r/w 3(2)(v) of SC/ST (Prevention of Atrocities) Act and to undergo simple imprisonment for six months and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for one month for offence under Section 417 IPC. However, he has been acquitted of the charges under Sections 420 and 506(ii) IPC.



Challenging the said conviction and sentence imposed, the petitioner has come up with this appeal. Pending appeal, he seeks suspension of the substantive sentence of imprisonment imposed on him.

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

3. The learned counsel for the petitioner would submit that the petitioner/appellant herein belongs to Hindu Community and the deceased Seethalakshmi belong to SC/ST Community and they have been in love affair for more than two years. Pending consideration of marriage proposal, the occurrence of suicide is stated to have taken place on 28.04.2013, when she returned from Coimbatore to Aduthurai.

4. The learned counsel would also point out that in the evidence of the parents as well as the sister, they have admitted that they were against the marriage of the deceased with the petitioner, on two grounds, namely,

(i) There was caste difference in respect of the petitioner as well as the deceased ; and

(ii) The elder sister of the deceased was awaiting for marriage and therefore, the parents believed that if marriage is performed to the deceased and the petitioner, it would be an impediment to perform the marriage of the elder sister and on these grounds, the parents seem to have refused permission.

5. The evidence on the side of the prosecution itself would go to show that the cause of suicide cannot be imputed exclusively on the part of the accused.

6. The learned Additional Public Prosecutor, however, would oppose for the grant of suspension of substantive sentence of imprisonment.

7. Considering the facts and circumstances of the case and considering the fact that it is a fit case and there are arguable points in favour of the petitioner, we are inclined to suspend the sentence of imprisonment alone imposed on the petitioner alone pending appeal.

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

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 II Additional District Munsif cum Judicial Magistrate, Kumbakonam and on further condition that the petitioner shall report before the committal Court at 10.30 a.m., on the first working day of every English Calender Month, until further orders.

sd/-  
25/01/2018

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



TO

- 1 THE I ADDITIONAL DISTRICT AND SESSION JUDGE (PCR),  
THANJAVUR, THANJAVUR DISTRICT.
- 2 THE II ADDITIONAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,  
KUMBAKONAM.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
- 4 THE SUPERINTENDENT,  
CENTRAL PRISON, TIRUCHIRAPPALLI.
- 5 THE DEPUTY SUPERINTENDENT OF POLICE,  
THIRUVIDAIMARUTHUR SUB DIVISION,  
THANJAVUR DISTRICT (PANDANALLUR POLICE STATION)
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.A.THIRUVADI KUMAR Advocate SR.No.1329

ORDER  
IN  
CRL MP (MD) No.493 of 2018  
IN  
CRL A (MD) No.500 of 2017  
Date :25/01/2018

MKV-PM-PN-SAR 1/25.1.2018/3P-8C