



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

Wednesday, the Twentieth day of June Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.3176 of 2018

IN

CRL A(MD) No.14 of 2018

DALBEERSING @ CHEENU

NOW CONFINED

AT CENTRAL PRISON,MADURAI.

... PETITIONER / APPELLANT

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
E1, K.PUDUR POLICE STATION (L&O),
MADURAI CITY.

(CRIME NO.267 OF 2012)

... RESPONDENT / RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the execution of sentence by granting bail in S.C.No. 379/2013 dated 08.12.2017 on the file of the sessions Judge, Mahalir Neethimandram Madurai and till the disposal of Criminal Appeal

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.KATHIRVELU, Senior Counsel for Mr.K. PRABHU, Advocate for the petitioner and of Mr.SUYAMBULINGA BHARATHI Govt. Advocate (Crl. Side), on behalf of the Respondent, the court made the following order:-

This petition is filed to suspend the execution of sentence imposed by the learned Sessions Judge, Mahalir Neethimandram, Madurai in S.C.No.379 of 2013 dated 08.12.2017, till the disposal of the Criminal Appeal to release the petitioner on bail.

2.The case against the petitioner is that the petitioner abetted the suicide of the victim. The trial Court, found the petitioner guilty under Section 306 of IPC and he was convicted and sentenced to undergo rigorous imprisonment for a period of 10 years and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only), in default, to undergo simple imprisonment for two years. Against the order of conviction, the petitioner has filed the Criminal Appeal. Along with the appeal, he has filed the present application to suspend the execution of sentence pending disposal of the said



appeal.

3. On the side of the petitioner, it is stated that the petitioner is an innocent person and he has not committed any offence and only on the basis of the Dying Declaration, which is marked as Ex.P.4, the lower Court has convicted the petitioner. He has further stated that the petitioner and the deceased fell in love and there was a mediation and thereafter, PW.1 has vacated his house which was opposite to that of the accused, and members of the victim arranged for her marriage with somebody else. Even in the FIR, it is stated that when the mother of the deceased was scolding her for talking to some one during night hours. The petitioner is in custody from 08.12.2017 and he is doing business in Madurai and there is no chance for him to escape the clutches of law. Hence, the petitioner prayed to be released on bail.

4. On the side of the prosecution, it is stated that the victim is a college girl and the accused is a punjabi and he has promised to marry her. Thereafter he denied to marry her, hence, she committed suicide. Even in the Dying Declaration-Ex.P.4, it is stated that the victim has committed suicide due to the refusal of the accused to marry her and that the petitioner being a punjabi may abscond and may escape from the clutches of law and hence, he vehemently opposed against the petitioner to be released on bail.

5. Records perused. From a perusal of the records, it is seen that the matter to be decided in this petition and in the revision are the same. It is further seen that the petitioner is a punjabi and he may abscond. In such circumstances, this Court is not inclined to release the petitioner on bail. Hence, the Criminal Miscellaneous Petition is dismissed.

sd/-

20/06/2018

/ TRUE COPY /

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

TO

- 1 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM, MADURAI
- 2 THE INSPECTOR OF POLICE,
E1, K.PUDUR POLICE STATION (L&O),
MADURAI CITY.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI



4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

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sj1

JAM/03/07/2018/ JC /GSR/ 3p-5c

ORDER

IN

CRL MP (MD) No.3176 of 2018

IN

CRL A (MD) No.14 of 2018

Date :20/06/2018