



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

Friday, the Third day of August Two Thousand Eighteen
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP (MD) No.6238 of 2018
IN
CRL A (MD) No.352 of 2018

MALLAIAH

... PETITIONER/ APPELLANT/
ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MANOOR POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.37 OF 2012

... RESPONDENT/ RESPONDENT/
COMPLAINANT

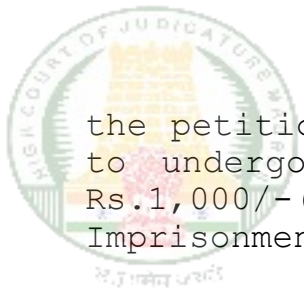
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed against the petitioner in S.C.No.85/2016 on the file of the Honourable Sessions Judge, Mahalir Court, Tirunelveli dated 15/02/2018 and release me on bail till the disposal of the above Crl.A

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.L.VIJAI BOOMINATHAN, Advocate for the petitioner and of Mr.K.SUYAMBULINGA BHARATHI, Government Advocate (Crl.Side) on behalf of the Respondents, While admitting the Crl.A, the court made the following order:-

Heard Mr.L.Vijai Boominathan, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl.Side) appearing for the respondent police.

2.This petition has been filed to suspend the sentence imposed against the petitioner in S.C.No.85 of 2016 on the file of the learned Sessions Judge, Mahalir Court, Tirunelveli, dated 15.02.2018, till the disposal of the appeal.

3.The case against the petitioner is that on 01.02.2012, due to some family dispute, the petitioner harassed his wife and on 04.02.2012 the accused attacked her and her mother with an Aruval and caused grievous injuries on their hands. A case under Sections 294(b), 307, 326, 506(ii) and Section 4 of Tamil Nadu Prohibition of Women Harassment Act was registered and the trial Court convicted



the petitioner under Section 326(2 counts) of IPC and sentenced him to undergo 7 years Rigorous Imprisonment and to pay a fine of Rs.1,000/- (One Thousand Only) in default to undergo one year Simple Imprisonment.

4. On the side of the petitioner, it is stated that the petitioner is in custody for the past six months and the dispute is that the petitioner failed to attend the betrothal of his brother-in-law and that the petitioner was regularly attending the trial Court till the disposal of the case.

5. On the side of the respondent, it is stated that the prosecution has examined 13 witnesses and marked 10 documents and one material object. P.W.1., and P.W.2., are victims and they clearly deposed against the petitioner. P.W.3 is the eye witness, his evidence is corroborated by the evidence of P.W.5 and P.W.9, who is the Doctor and it is prayed to dismiss this petition.

6. Records perused. The victims are the wife and Mother-in-law of the accused. A perusal of the copy of the deposition of P.W.9 reveals that both P.W.1 and P.W.2 got grievous injuries. Accused is in custody for the past 6 months. In such circumstances, this Court is inclined to suspend the sentence and allowed this petition on the following conditions:

7. This Court is inclined to grant suspension of sentence until further orders, on the petitioner executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate, No.V, Tirunelveli and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

8. The petitioner is directed to reside in Madurai and to report before the Anna Nagar Police Station, daily twice morning at 10.30 a.m., and evening at 05.30.p.m., further condition is that he should not entered into the Nellai District until further orders.

9. Post the main appeal after four weeks.

sd/-
03/08/2018

/ TRUE COPY /

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



TO

1. THE SESSIONS JUDGE, MAHALIR COURT,
TIRUNELVELI.
 2. THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI.
 3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 4. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
 5. THE INSPECTOR OF POLICE,
MANOOR POLICE STATION, TIRUNELVELI DISTRICT.
 6. THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION, MADURAI.
 7. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to Mr.R.ALAGUMANI Advocate SR.No.15112

ORDER
IN
CRL MP (MD) No.6238 of 2018
IN
CRL A (MD) No.352 of 2018
Date :03/08/2018

MS/PN/SAR-4/07.08.2018/3P.9C