

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Eighth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.7498 of 2019

IN CRL A.336/2019

1 PAPPA @ SAMBU
2 NALLU @ NALLAMAL

[PETITIONERS]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT.
CR.NO.180 OF 2013.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.336/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in S.C.No.94 of 2014 on the file Mahila District Judge, Salem, enlarge him on bail pending disposal of Crl.Appeal.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.336/2019 on the file of the High Court and upon hearing the arguments of M/S.L.INFANT DINESH Advocate for the petitioner and of MR.KRITIKA KAMAL.P Government Advocate[crl.side] on behalf of the Respondent the court made the following order:-

The petitioners have been convicted in S.C.No.94 of 2014 on 28.05.2019 by the Sessions Judge, Mahila Court, Salem, under Section 306 IPC and have been sentenced to undergo Rigorous Imprisonment for a term of 4 years. Challenging the conviction and sentence, the petitioner has preferred the present Appeal and Crl.MP.No.7498 of 2019 seeking suspension of sentence and bail.

2. Admittedly, the first petitioner is the daughter-in-law of the second petitioner. It is alleged that the petitioners suspected that Sasikumar, who is the husband of the first petitioner and the son of the second petitioner, was having illicit intimacy with the deceased and they were quarrelling with the deceased to let him off. One such quarrel occurred on 06.04.2013 at around 8.30 p.m. and immediately, thereafter, it is alleged that the deceased committed suicide by hanging.

3. Head the learned counsel for the petitioners and the learned Government Advocate for the respondent.

4. The petitioners have raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. Moreover, the petitioners have been in incarceration from the date of the judgment, viz., 28.05.2019. In such view of the matter, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Mahila District Judge, Salem and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Mahila District Judge, Salem, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(ii) the petitioners shall appear before the trial Court on the first working day of every month until disposal of the appeal and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

-sd/-

28/06/2019

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 MAHILA DISTRICT JUDGE

<http://services.ecourts.gov.in/hcservices/>

2 THE SESSIONS JUDGE
MAHILA COURT, SALEM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE REP BY
THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT.

+1 C.C. to M/S.L.INFANT DINESH Advocate on payment of necessary
charges SR.NO. 12913

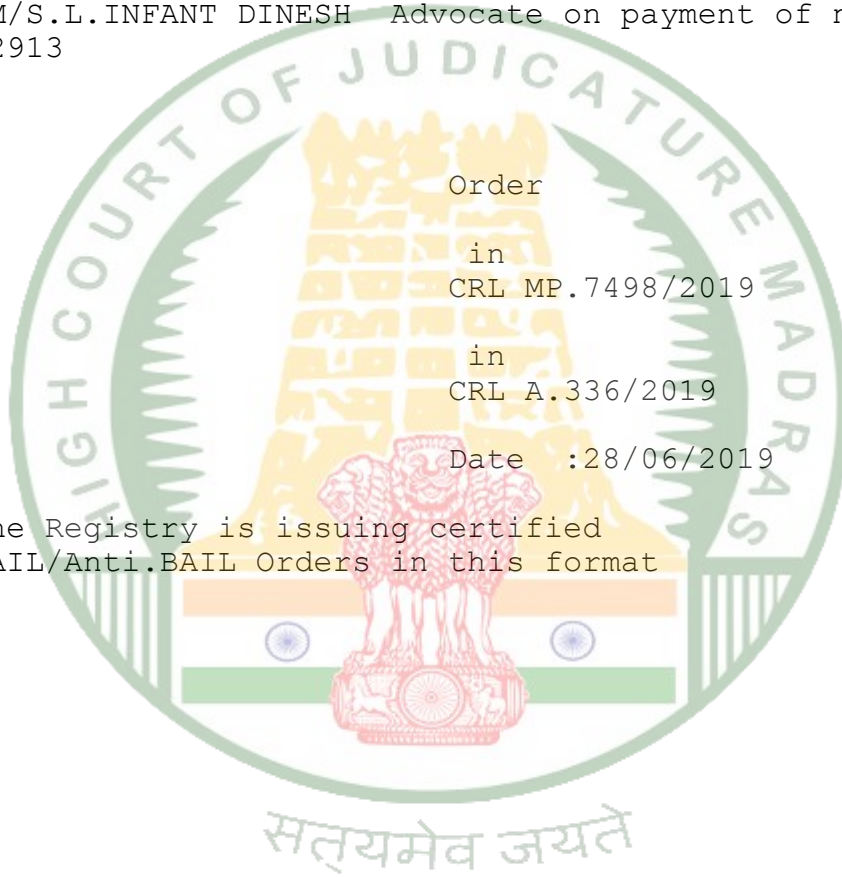
Order

in
CRL MP.7498/2019

in
CRL A.336/2019

Date :28/06/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 01/07/2019



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