

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Seventeenth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.8719 of 2019

IN CRL A.401/2019

RADHA

[PETITIONER]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
MAHARAJAKADAI POLICE STATION,
KRISHNAGIRI DISTRICT.
CR.NO.378/2013.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.401/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed against the petitioner in S.C.No.65/2018 on the file of the Learned Sessions Judge, Magalir Neethi Mandram, Krishnagiri, Krishnagiri District dated 07.06.2019 and enlarge the petitioner on bail pending disposal of the said Crl.A.No.401/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.401/2019 on the file of the High Court and upon hearing the arguments of M/S.KANNADASAN E. 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:-

It is the case of the prosecution that the deceased Sumithra, who was the wife of Thimmaraj (A1) committed suicide by hanging because she suspected that her husband was having an illicit affair with one Radha (A2), the petitioner herein.

2. On this allegation, three accused were prosecuted under Section 306 IPC in S.C.No.65 of 2018 before the Mahila Court, Krishnagiri and by order dated 07.06.2019, Rajendran (A3) was acquitted, but Thimmaraj (A1) and Radha (A2) were convicted under Section 306 IPC and sentenced to undergo 5 years Rigorous Imprisonment each and to pay fine of Rs.5,000/- each in default to undergo six months Rigorous Imprisonment.

3. Challenging the conviction and sentence, the petitioner has preferred the present Appeal and Crl.MP.No.8719 of 2019 seeking suspension of sentence and bail.

4. The learned counsel for the petitioner submitted that the allegation as against the petitioner is that the deceased merely suspected that her husband was having illicit intimacy with the petitioner, whereas, there is no satisfactory material to establish the fact.

5. Head the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

6. The petitioner is a lady and the allegation is that the deceased committed suicide by hanging because she believed that her husband was not true to her and was having an affair with the petitioner. The husband is not before this Court. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on 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 Judicial Magistrate No.II, Krishnagiri and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate No.II, Krishnagiri, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(ii) the petitioner shall appear before the trial Court on the first working day of every month until disposal of the appeal and if she is not able to appear before the trial Court on any day, she 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 her absence, as directed by the trial Court.

-sd/-

17/07/2019

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 JUDICIAL MAGISTRATE,
NO.II, KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE MAHILA COURT,
KRISHNAGIRI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MAHARAJAKADAI POLICE STATION,
KRISHNAGIRI DISTRICT.

6 THE SUPERINTENDENT,
CENTRAL SPECIAL PRISON FOR WOMEN,
VELLORE

+1 C.C. to M/S.KANNADASAN E. Advocate on payment of necessary
charges SR.NO. 14692

Order

in
CRL MP.8719/2019

in
CRL A.401/2019

Date :17/07/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 19/07/2019

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