

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventeenth day of December Two Thousand Nineteen

PRESENT

The Hon'ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.9297 of 2019

IN CRL.A.NO.430 OF 2019

THIMMARAJ

[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.430/2019 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 District dated 07.06.2019 and enlarge the petitioner on bail pending disposal of the said Crl.A.430/19. [CRL.MP.NO.9297/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.430/2019 on the file of the High Court and upon hearing the arguments of MR.M.R.THANGAVEL FOR M/S.S.SENTHILVEL Advocate for the petitioner and of MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Heard both sides.

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

3. 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 judgement, dated 07.06.2019, Rajendran (A3) was acquitted, but Thimmaraj (A1) and Radha (A2) were convicted for the offence 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. Challenging the conviction and sentence, the petitioner has preferred the present Appeal and Crl.MP.No.9297 of 2019 seeking suspension of sentence and

4. The learned counsel for the petitioner / A-1 submitted that the allegation as against the petitioner is that the deceased merely suspected that he was having illicit intimacy with one Radha, who was arrayed as second accused, whereas there is no satisfactory material to establish the said fact. He further submitted that the co-accused / A-2 / Radha was granted the relief of suspension of sentence, by the order of this Court dated 17.07.2019 in CrI.M.P.No.8719 of 2019 in CrI.A.No.401 of 2019. He further submitted that the petitioner is in incarceration for quite some months and hence, seeks for suspension of sentence. He also submitted that he is willing to abide by any of the conditions that may be imposed by this Court.

5. The learned Additional Public Prosecutor for the respondent was heard on the submissions made by the learned counsel for the petitioner.

6. 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. Hence considering the facts, circumstances and the submissions of learned counsel for petitioner, this Court is of the view that the petitioner herein be granted the relief of suspension of sentence. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner herein is directed to be enlarged on bail on the following conditions:-

- a) The Petitioner/Accused is directed to execute 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.II, Krishnagiri;
- b) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.
- c) The Petitioner/Accused shall appear before the Trial Court at 10.30 a.m. on the first working day of every English Calender Month, until the disposal of the Criminal Appeal and if he is not able to appear before the Trial Court on any day, due to unavoidable circumstances, he 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 his absence, as directed by the Trial Court. Such an application shall not be entertained often.

-sd/-

17/12/2019

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 SESSIONS JUDGE
MAGALIR NEETHI MANDRAM,
KRISHNAGIRI DISTRICT

2 THE JUDICIAL MAGISTRATE,
NO.II, KRISHNAGIRI

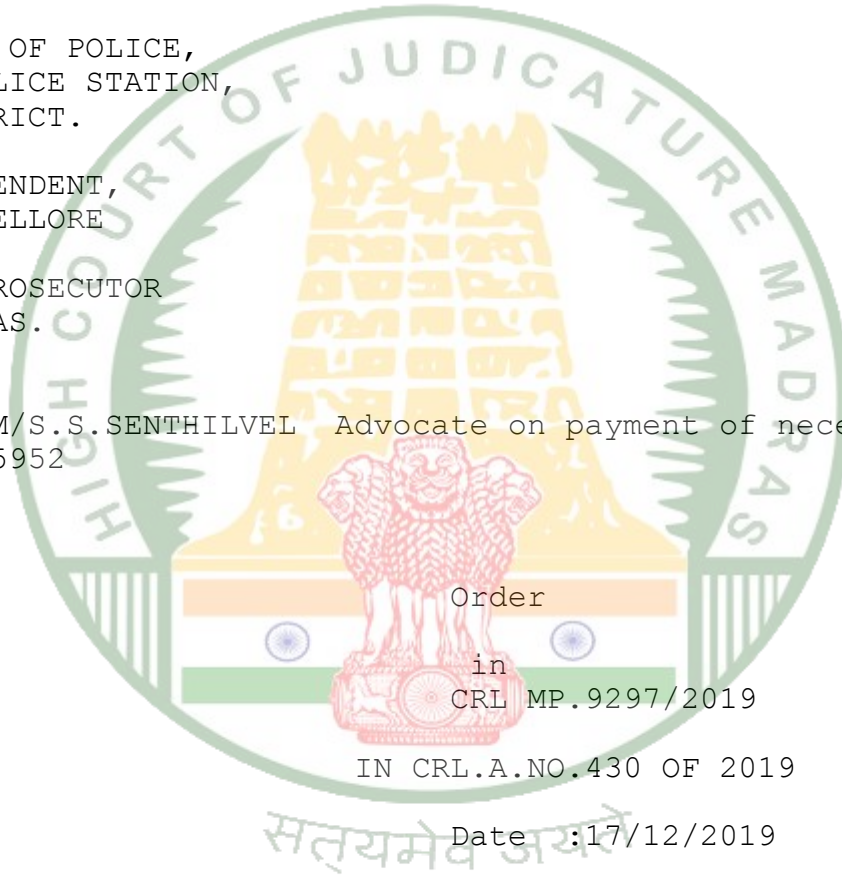
3 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI[FOR INFORMATION]

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

5 THE SUPERINTENDENT,
CENTRAL PRISON,VELLORE

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.S.SENTHILVEL Advocate on payment of necessary
charges SR.NO. 25952



Order

in
CRL MP.9297/2019

IN CRL.A.NO.430 OF 2019

Date :17/12/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 18/12/2019

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