



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

Wednesday, the Twenty Seventh day of March Two Thousand Nineteen

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PRESENT

The Hon`ble Mr Justice P.N.PRAKASH
and
The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.1783 of 2019
IN
CRL A(MD) No.75 of 2019

SELVAGANAPATHY

... PETITIONER/ APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SRIRANGAM ALL WOMEN POLICE STATION,
SRIRANGAM.

... 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 sentence of imprisonment imposed in the judgement dated 19/02/2019, in SC.No.28/2016 on the file of the Honourable Mahila Court Judge at Trichy and enlarge the petitioner on bail pending disposal of the above Crl.A.

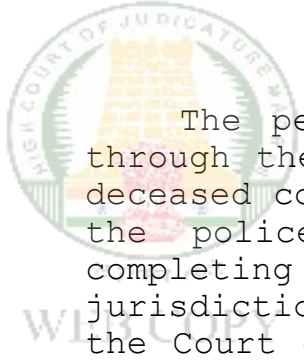
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.E.KOTTEESWARAN, Advocate for the petitioner and of Mr.R.ANANDHARAJ, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by **P.N.PRAKASH, J**)

The petitioner has been convicted and sentenced by judgment dated 19.02.2019 in S.C.No.28/2016 by the Mahila Court, Trichy, challenging which, the petitioner has come in this appeal. Pending appeal, he seeks suspension of the substantive sentence of imprisonment.

2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and we have also perused the records carefully.

3. The short facts that are required for determining this petition for suspending the sentence and bail are as under:



The petitioner got married to the deceased on 12.04.2012 and through the wedlock, they have a female child. On 12.07.2015, the deceased committed suicide by self-strangulation, pursuant to which, the police registered a case in Crime No.16/2015 and after completing the investigation, filed final report before the jurisdictional Magistrate, after which, the case was committed to the Court of Session in S.C.No.28/2016 and was tried by the Mahila Court, Tiruchirappalli. Along with the petitioner, his family members, viz., mother [A2], sister [A3] and brother-in-law [A4] of the petitioner, were arrayed as accused and charges for the offences under Sections 304-B and 498-A IPC were framed against them. After trial, mother, sister and brother-in-law of the petitioner respectively [A2 to A4] were acquitted, but the petitioner [A1] was convicted and sentenced to life imprisonment.

4. We find that the petitioner has examined four witnesses including himself as D.W.-2, in order to show that his wife had suicidal tendencies and suffered from depression. He [A1] has examined Dr.Vijayakumar (D.W.-1), who gave treatment to the deceased for depression. All these aspects have not been considered by the trial Court in the proper perspective. Thus, we find that there are arguable points in favour of the petitioner and further detention of the petitioner until the disposal of the appeal may not subserve the interest of justice. Therefore, we are inclined to suspend the sentence of imprisonment alone imposed on the petitioner pending appeal.

4. Accordingly, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner is suspended and the petitioner is directed to be enlarged on bail, on the following conditions:

The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like-sum to the satisfaction of the learned Judicial Magistrate No.IV, Trichy, and on further condition that the petitioner shall report before the trial Court at 10.30 a.m., on the first working day of every English calendar month, until the disposal of the appeal.

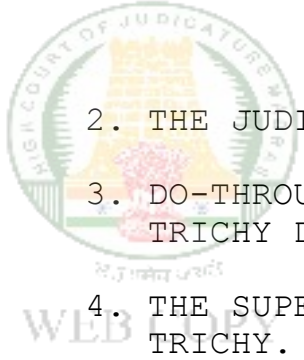
sd/-
27/03/2019

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

TO

1. THE JUDGE,
MAHILA COURT, TRICHY.



2. THE JUDICIAL MAGISTRATE NO.IV, TRICHY.

3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

4. THE SUPERINTENDENT, CENTRAL JAIL,
TRICHY.

5. THE INSPECTOR OF POLICE
SRIRANGAM ALL WOMEN POLICE STATION,
SRIRANGAM.

6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to Mr.E.KOTTEESWARAN Advocate SR.No.5657

ORDER
IN
CRL MP (MD) No.1783 of 2019
IN
CRL A (MD) No.75 of 2019
Date :27/03/2019

MS/PN/SAR-2/04.04.2019/3P.8C