



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

Monday, the Twenty Eighth day of January Two Thousand Nineteen
PRESENT

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The Hon`ble Mr.Justice R.SUBBIAH
and
The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.10394 of 2018
IN
CRL A(MD) No.541 of 2018

CHANDRA

... APPELLANT/ ACCUSED NO.7

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
VEERPANDI, THENI DISTRICT.
(CRIME NO.358/2015 OF VEERAPANDI
POLICE STATION)

... RESPONDENT/ COMPLAINANT

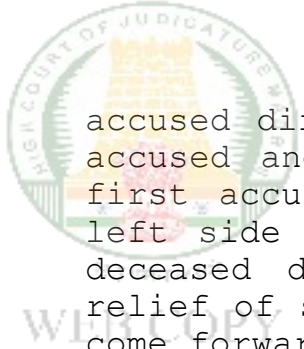
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the Execution of sentence by granting bail in S.C.No.162 of 2016 dated 10/12/2018 on the file of the learned Additional District Judge(F.T.C.), Theni, Theni District pending disposal of the main appeal and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.SIVA ILAYARAJA, Advocate for the petitioner and of Mr.K.DINESH BABU, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

[Order of the Court made by **R.SUBBIAH, J.,**]

The petitioner is arrayed as the accused No.7 in S.C.No.162 of 2016, on the file of the learned Additional District Judge, [Fast Track], Theni, Theni District and by Judgment dated 10.12.2018, she has been convicted and sentenced to undergo imprisonment for life and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for six months for the offence under Section 302 r/w 149 of the Indian Penal Code. Totally, there were eight accused in this case.

2. The case of the prosecution is that on account of previous enmity, at 02.00 PM, on 29.06.2015, the accused Nos.1 to 8 hatched a conspiracy to do away with the deceased. Pursuant to the same, at 07.00 PM, on 30.06.2015, all the accused assembled in front of a Tea Shop, run by one Ganesan at Jangalpatti Lakshmipuram. The eighth



accused directed the other accused to kill the deceased. The sixth accused and the seventh accused caught hold of the deceased. The first accused stabbed the deceased with knife on his left chest, left side shoulder, right side axilla and left side stomach. The deceased died on the way to Theni Government Hospital. Seeking relief of suspension of sentence pending appeal, the petitioner has come forward with the present Miscellaneous Petition,

3. The learned counsel appearing for the petitioner would submit that even according to the case of the prosecution, the specific overt act against the petitioner herein/Accused No.7 is that she caught hold of the deceased. The learned counsel would also point out that though it is the case of the prosecution that PW-2 to PW-5 were present at the time of occurrence, there is a contradictory version between them. The learned counsel would also submit that the petitioner/Accused No.7 was pregnant at the time of occurrence and now she has to take care of two children. There are sufficient grounds available for acquittal. Therefore, the petitioner will have to be granted suspension of sentence pending disposal of the appeal.

4. The learned Additional Public Prosecutor would submit that the evidence of PW-2 to PW-5 is very clear and cogent. Therefore, this petition will have to be dismissed.

5. We have considered the above submissions and perused the records carefully.

6. After considering the above submissions, we find that there are arguable points involved to be decided in the Criminal Appeal. Therefore, this Court deems it appropriate to suspend the substantive portion of sentence imposed on the petitioner/Accused No.7.

7. Accordingly, the present Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner/Accused No.7 is suspended and she is directed to be enlarged on bail on condition that she 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, Theni and on further condition that the petitioner shall report before the said Court on the first working day of every English Calendar month at 10.30 a.m. pending appeal.

sd/-
28/01/2019

/ TRUE COPY /



TO

1 THE ADDITIONAL DISTRICT JUDGE (F.T.C.),
THENI, THENI DISTRICT.

2 THE JUDICIAL MAGISTRATE, THENI.

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

4 THE INSPECTOR OF POLICE
VEERPANDI, THENI DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON FOR WOMEN,
MADURAI.

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

+1. C.C. to Mr.SIVA ILAYARAJA Advocate SR.No.1113

ORDER

IN

CRL MP (MD) No.10394 of 2018

IN

CRL A (MD) No.541 of 2018

Date : 28/01/2019

MS/VR/SAR-1/29.01.2019/3P.8C