

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.M.P.No.2658 of 2020

in Crl.A.No.144 of 2020

Shanmuganandham

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
AWPS East Police Station,
Coimbatore City.
(Crime No.08 of 2013)

...Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 374(1) Cr.P.C. to suspend the sentence imposed on the petitioner by judgment and order dated 05.02.2020 passed in S.C.No.75 of 2016 on the file of the Sessions Mahila Court (Mahalir Neethimandram), Coimbatore and to enlarge the petitioner on bail till the disposal of the appeal.

For Petitioner : Mr.B.Mohan

For Respondent : Mr.K.Madhan,
Government Advocate (Crl. Side)

ORDER

This case is taken up through video conferencing.

2. This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order dated 05.02.2020 passed in S.C.No.75 of 2016 on the file of the Sessions Mahila Court (Mahalir Neethimandram), Coimbatore and to enlarge the petitioner on bail till the disposal of the appeal.

3. The petitioner, who was an accused in S.C.No.75 of 2016 before the Sessions Mahila Court (Mahalir Neethimandram), Coimbatore, was convicted of the offence under Section 306 IPC and sentenced to undergo ten years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo one year rigorous imprisonment.

4. Challenging the above conviction and sentence, the petitioner has filed Crl.A.No.144 of 2020 along with the instant miscellaneous petition seeking suspension of sentence and bail.

5. Heard Mr.B.Mohan, learned counsel for the petitioner and Mr.K.Madhan, learned Government Advocate (Crl.Side) for the respondent/State.

6. It is the case of the prosecution that the petitioner got married to the deceased on 24.10.2007 and they were blessed with a female child. On account of some marital discord, the deceased consumed poison on 26.04.2013 and died on 02.05.2013.

7. It is to be noted that though a charge under Section 498-A IPC was framed against the petitioner, he was eventually acquitted of the said charge and no appeal against the acquittal has been filed.

8. 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. Moreover the petitioner has been in incarceration from 05.02.2020. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

9. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The petitioner shall 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 Sessions Mahila Court (Mahalir Neethimandram), Coimbatore;
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge, Mahila Court, Coimbatore, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, 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 the date of his absence, as directed by the trial Court.

-sd/-
30/07/2020

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,
MAHILA COURT, COIMBATORE.

2 THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
AWPS, EAST POLICE STATION,
COIMBATORE DISTRICT.

C.C. to M/S. B.MOHAN Advocate on payment of necessary charges

Order

in

CRL MP.2658/2020

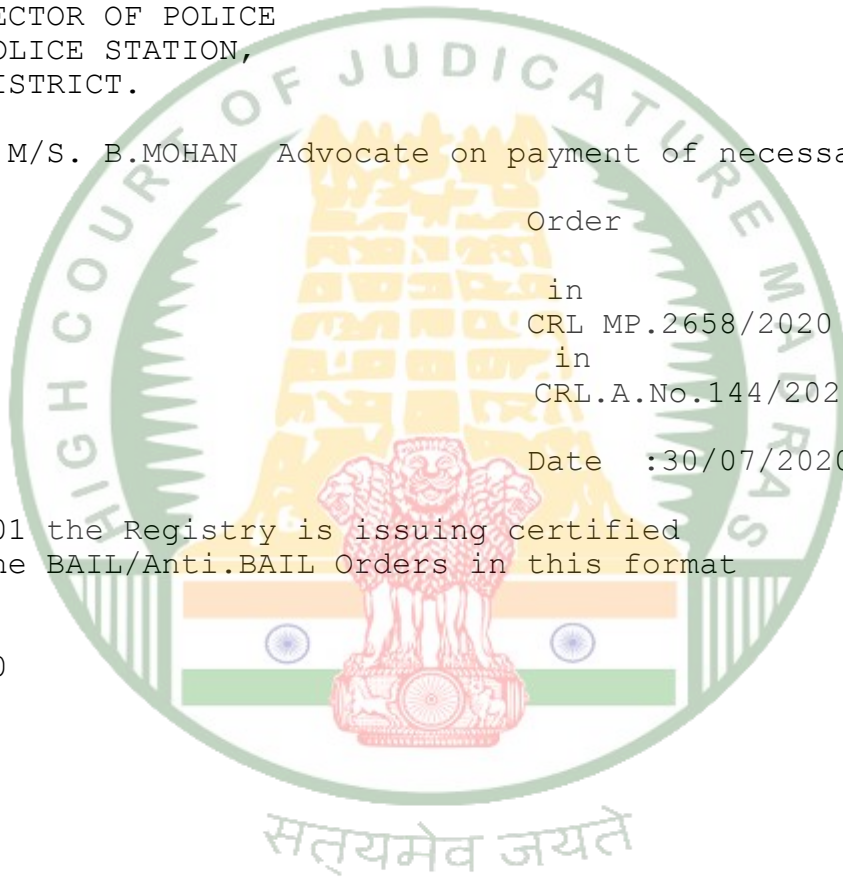
in

CRL.A.No.144/2020

Date :30/07/2020

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

TA-14/08/2020



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