

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

and

The Hon'ble Mr. Justice D.KRISHNAKUMAR

Crl.MP. No.4274 of 2020

in Crl.A.No.805 of 2019

Anbarasan

... Petitioner

-vs-

State By: The Inspector of Police,
Bhuvanagiri Police Station
Cuddalore District.

.... Respondent

Criminal Miscellaneous Petition filed under Section 389(1) of Criminal Procedure Code, to suspend the sentence imposed against the petitioner on 05.09.2017, in S.C.No. 101 of 2013 on the file of the II Additional District and Sessions Court, Chidambaram, Cuddalore District and release the petitioner on bail.

For Petitioner : Mr.P.Pugalenth

For Respondent : Ms.M.Prabhavathi,
Addl. Public Prosecutor

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ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner has been arrayed as A1 in S.C.No. 101 of 2013 on the file of the II Additional District and Sessions Court, Chidambaram, Cuddalore District. The trial Court by judgment dated 05.09.2017, convicted the petitioner for the offence punishable under Section 302 IPC and sentenced him to undergo life imprisonment and to pay a sum of Rs.1,000/-, in default, to undergo six months rigorous imprisonment. Seeking to suspend the sentence, the present petition

2. The case of the prosecution is that the petitioner along with A2, who is none other than his wife, committed the offence by strangulating the deceased with the lungi worn by him as he was giving continuous sexual harassment to A2. Pending the appeal, A2 got her sentence suspended while the petition filed on behalf of the petitioner was dismissed in the month of January, 2020.

3. The learned counsel appearing for the petitioner submits that the petitioner stands on the same footing as A2 at least insofar as the motive is concerned. Even as per the case of the prosecution, the deceased was harassing A2. It is a case of circumstantial evidence. The chain has not been continued without any disconnection. There are arguable points in the appeal. Therefore, the present petition will have to be allowed.

4. Learned Additional Public Prosecutor appearing for the State submitted that the earlier petition filed by the petitioner was dismissed and therefore, the present petition also will have to be dismissed.

5. The petitioner has been under incarceration for more than two and half years till now. We do find arguable points available in the appeal. It is the case of substantial evidence. A2 has already got her sentence suspended. Certain legal issues are common for both the petitioner and A2.

6. In the light of the above, we are inclined to suspend the sentence. Accordingly, the substantive sentence of imprisonment alone is suspended on condition that the petitioner executes his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the The Superintendent, Central Prison, Cuddalore, and on further condition that he shall report before the concerned Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

30/06/2020

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 II ADDITIONAL DISTRICT AND SESSIONS
COURT, CHIDAMBARAM, CUDDALORE DISTRICT.

2 THE INSPECTOR OF POLICE,
BHUVANAGIRI POLICE STATION,
CUDDALORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

C.C. to M/S.P.PUGALENTHI Advocate on payment of necessary
charges

Order

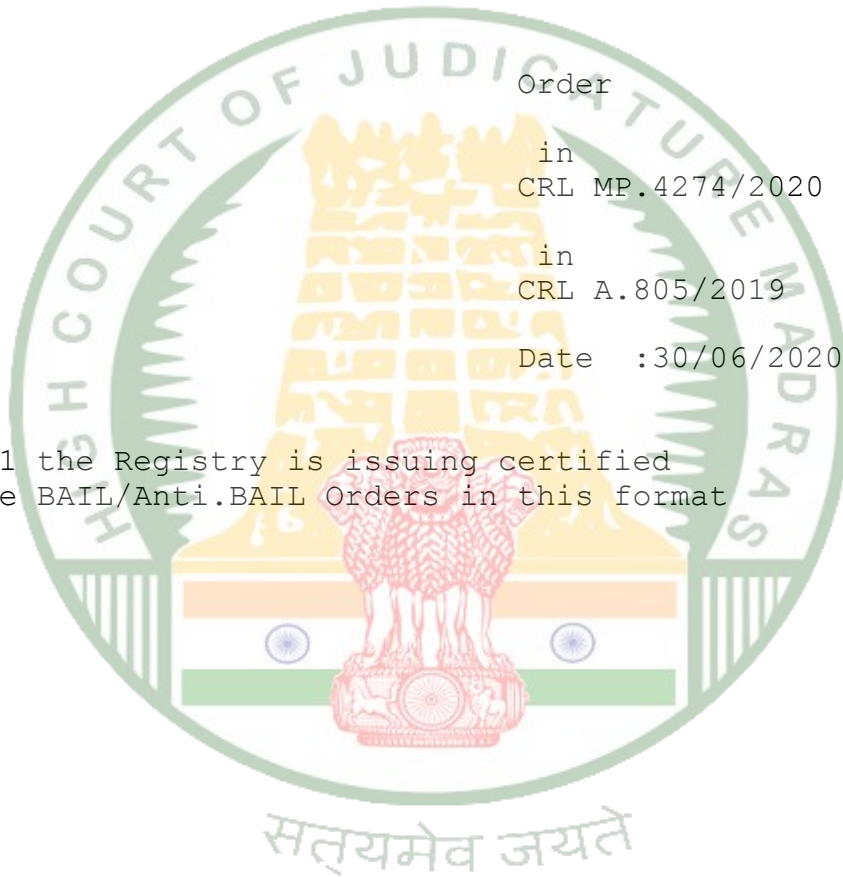
in
CRL MP.4274/2020

in
CRL A.805/2019

Date :30/06/2020

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TA-13/07/2020



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