



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Crl.M.P.No.477 of 2021

in Crl.A.No.25 of 2021

Mayavan

...Petitioner/accused

Vs.

State through its
The Inspector of Police,
Puduchatram Police Station,
Namakkal District.
(Crime No.400 of 2016)

...Respondent/Respondent

Criminal Miscellaneous Petition filed under Section 389(1) r/w 439 of Cr.P.C. to suspend the sentence passed in S.C.No.1 of 2018 dated 10.11.2020, on the file of the learned Sessions Judge [Fast Track] Mahila Court, Namakkal.

For Petitioner : Mr.W.Camyles Gandhi

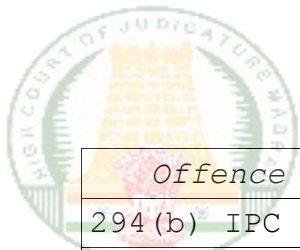
For Respondent: Mr.R.Muniyapparaj
Government Advocate (Crl.Side)

ORDER

(Order of the Court was made by R.PONGIAPPAN, J.)

This criminal miscellaneous petition has been preferred by the accused seeking to suspend the sentence imposed upon him, by judgment and order dated 10.11.2020 passed in S.C.No.1 of 2018 on the file of the learned Sessions Judge [Fast Track] Mahila Court, Namakkal, and to enlarge him on bail pending disposal of the appeal.

2. The petitioner, who is the sole accused in S.C.No. 1 of 2018 on the file of the learned Sessions Judge, [Fast Track] Mahila Court, Namakkal, by judgment dated 10.11.2020, was convicted and sentenced as follows:



WEB COPY

<i>Offence</i>	<i>Sentence</i>
294(b) IPC	Undergo three months simple imprisonment.
449 IPC	undergo ten years rigorous imprisonment and to pay a fine of Rs.1,000/- in default, to undergo six months simple imprisonment
302 IPC	undergo life imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo six months simple imprisonment.

The aforesaid sentences were ordered to run concurrently.

3. Challenging the above conviction and sentences, the petitioner/accused has filed CrI.A.No.25 of 2021 along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. The case of the prosecution is that on 05.10.2016, at about 2.30pm, while at the time, the deceased was excavating a trench, for the purpose of constructing a bathroom, the petitioner herein with an intention to insult the deceased abused her, by using obscene words. Further, with an intention to kill her, criminally trespassed into the house belonging to the deceased and stabbed on her abdomen, right upper chest, left hip and right arm. Due to the same, the deceased succumbed to death in the hospital and thus, the accused has committed the offence under Section 294(b), 448 and 302 IPC.

5. Heard Mr.W.Camyles Gandhi, learned counsel appearing for the petitioner/accused and Mr.R.Muniyapparaj, learned Government Advocate (CrI. Side), appearing for the respondent/State.

6. Now, on perusal of the evidence given by the prosecution witnesses, it seems while at the time of giving evidence as PW1, the defacto complainant has stated before the trial Court as the deceased was unconscious for a period of two days after the occurrence. In otherwise, the present case has been registered based on the complaint given by the deceased immediately after the occurrence. Therefore, the said circumstances, needs a detailed appraisal. Further, the evidence given by PW1 and PW2 in respect to the nature of injuries sustained and in respect to the previous enmity having by the deceased with the accused, also necessarily requires a detailed appraisal. Accordingly, the petitioner/accused has raised substantial points in the appeal.

7. Moreover, the petitioner has been in incarceration from 10.11.2020. Further, the appeal is not likely to be taken up in the near future. In such a view of the matter, this Court is of the view that the petitioner/accused is entitled to the relief of suspension of sentence and bail.

8. Accordingly, sentence of imprisonment alone is suspended and bail is granted to the petitioner on the following conditions:



WEB COPY

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge [Fast Track] Mahila Court, Namakkal, Namakkal District.
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- (iii) The petitioner shall appear before the respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, 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/-
28/07/2021

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 [FAST TRACK] MAHILA
COURT, NAMAKKAL, NAMAKKAL DISTRICT.

2 THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON, COIMBATORE.

3 THE INSPECTOR OF POLICE,
PUDUCHATRAM POLICE STATION,
NAMAKKAL DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.S.N.ARUNKUMAR Advocate on payment of necessary
charges SR.NO.7822

Order

in
CRL MP.477/2021
in
CRL A.25/2021

Date :28/07/2021

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

TA-29/07/2021