

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Crl.M.P.No.4573 of 2021

in Crl.A.No.153 of 2020

Karthi @ Manikandan

.. Petitioner/Accused

Vs.

State represented by
The Inspector of Police
Chithode Police Station
Erode District
(Crime No.443 of 2017)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioner by judgment and order dated 13.12.2019 passed in S.C.No.37 of 2018 on the file of the Sessions Court Magalir Neethi Mandram (Fast Track Mahila Court), Erode and to enlarge the petitioner on bail pending the disposal of the appeal.

For Petitioner : Mr.R.S.Indira

For Respondent : Mr.K.Prabhakar
Additional Public Prosecutor

O R D E R

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

Though this is a second bail petition, in the first petition it was stated that the same was dismissed for the present and hence, this criminal miscellaneous petition has been taken up for hearing today.

2. This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order dated 13.12.2019 passed in S.C.No.37 of 2018 on the file of the Sessions Court Magalir Neethi Mandram (Fast Track Mahila Court), Erode and to enlarge the petitioner on bail pending the disposal of the appeal.

3. The petitioner, who was the second accused in S.C.No.37 of 2018 before the Sessions Court Magalir Neethi Mandram (Fast Track Mahila Court), Erode, was convicted of the offence under Section 302 IPC and sentence to undergo rigorous imprisonment for life and to pay fine of Rs.50,000/-, in default to undergo three months simple imprisonment. The amount of Rs.50,000/- was ordered to be paid to the daughter of the deceased Karthika after the appeal time was over.

4. Challenging the above conviction and sentence, the petitioner has filed Crl.A.No.153 of 2020 along with the instant miscellaneous petition seeking suspension of sentence and bail.

5. Heard Mr.R.S.Indira, learned counsel for the petitioner and Mr.K.Prabhakar, learned Additional Public Prosecutor appearing for the respondent/State.

6. It is the case of the prosecution that the deceased Karthika got estranged from her husband and developed a live in relationship with the petitioner; while so, on 06.09.2017, she had gone with the petitioner to a mobile shop, where, a quarrel ensued between them, in which, the petitioner is said to have caused the death of Karthika by strangulating her neck with a dupatta (M.O.3).

7. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner has been in incarceration from 13.12.2019. Further, the appeal is not likely to be taken up in the near future. 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.

8. 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.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Sessions Court Magalir Neethi Mandram (Fast Track Mahila Court), Erode;
- (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/-
16/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

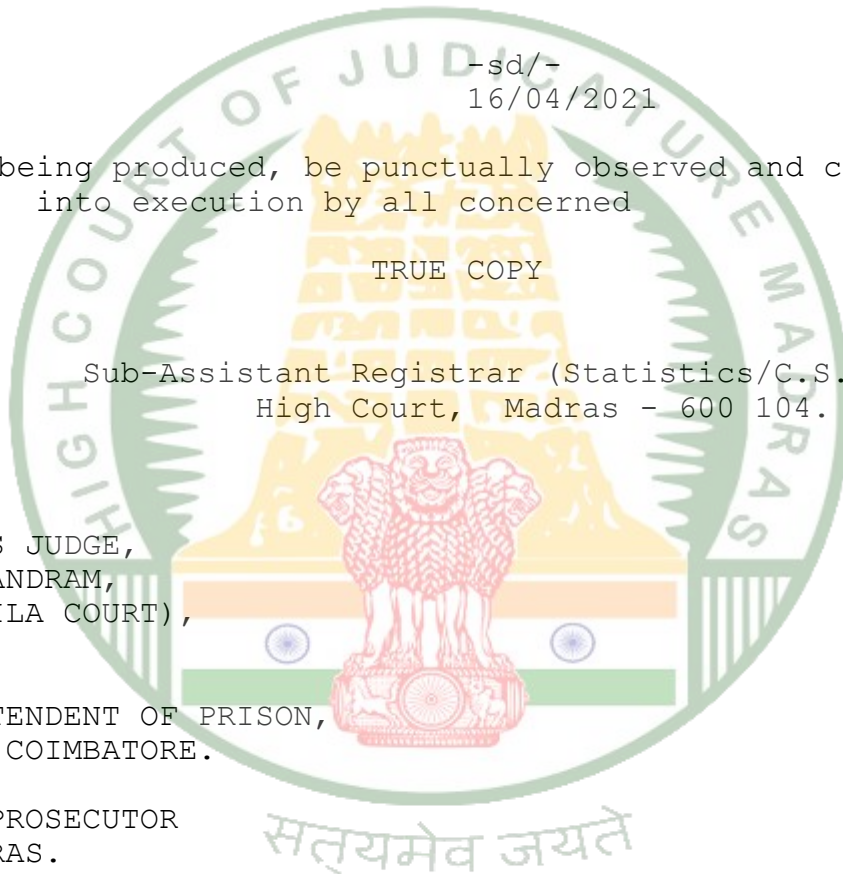
TO

1 THE SESSIONS JUDGE,
MAGALIR NEETHIMANDRAM,
(FAST TRACK MAHILA COURT),
ERODE.

2 THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHITHODE POLICE STATION,
ERODE DISTRICT.



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+1C.C. to M/S. P.K.GANESH Advocate on payment of necessary charges SR NO.4828

Order

in
CRL.MP.NO.4573/2021
in
CRL.A.NO.153/2020

Date :16/04/2021

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

MK:20/04/2021



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