

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2021

CORAM

THE HON'BLE MR. JUSTICE P.N.PRAKASH

AND

THE HON'BLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No. 2142 of 2020

in Crl.A.No. 313 of 2019

Madhu @ Madhiyazhagan ... Petitioner

Vs

The State Represented by
The Inspector of Police,
Perumannalur Police Station,
Tiruppur District. ... Respondent

Criminal Miscellaneous Petition filed under Section 389(1)
Cr.P.C. to suspend the sentence imposed on the petitioner made in
S.C.No. 132 of 2017 dated 02.03.2019 on the file of II Additional
District and Sessions Judge, Tiruppur and release the petitioner on
bail pending disposal of the appeal.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.K.Prabhakar
Additional Public Prosecutor

सत्यमेव जयते

ORDER

(Order of the Court was Made by V.SIVAGNANAM., J)

This criminal miscellaneous petition has been preferred seeking
to suspend the sentence imposed on the petitioner by judgment and
order dated 02.03.2019 in S.C.No. 132 of 2017 on the file of the II
Additional District and Sessions Judge, Tiruppur and to enlarge the
petitioner on bail till the disposal of the appeal.

2. The petitioner, who was arrayed as A1 in S.C.No. 132 of 2017 on the file of the II Additional District and Sessions Judge, Tiruppur, was convicted and sentenced as follows:

S.No.	Provision under which convicted	Sentence
1	Section 449 IPC	Rigorous imprisonment for ten years and to pay a fine of Rs.5,000/-, in default, to undergo six months rigorous imprisonment.
2	Section 302 IPC	Life imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo six months rigorous imprisonment.

The aforesaid sentences were ordered to run concurrently.

3. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No. 313 of 2019 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard, Mr.C.Prabakaran, learned counsel for the petitioner and Mr.K.Prabhakar, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that both the accused were in love with each other during school days and thereafter, the second accused was married to one Kesavan viz., the deceased. There were frequent quarrels between the second accused and the deceased. Since the illicit relationship between the accused was objected to by the deceased, the accused decided to do away the deceased. On the date of occurrence, the second accused closed the door of the house without locking it and the first accused went inside the house and murdered the deceased by dropping the stone on his head, thereby causing his death.

6. According to the prosecution, the occurrence was witnessed by the minor child of the deceased viz., P.W.3. P.Ws.8 and 10 said to have seen the accused coming out of the house of the deceased. Apart from this evidence, there is no evidence on the part of the prosecution to link the accused with the crime.

7. There are arguable points involved in the appeal and the petitioner is undergoing incarceration from 19.03.2019. 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. 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.

7. 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 learned Judicial Magistrate Court No.IV, Tiruppur;
- (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 trial Court 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/-

25/02/2021

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

TRUE COPY

सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

TO

1 THE II ADDITIONAL DISTRICT
AND SESSIONS JUDGE, TIRUPPUR.

2 THE JUDICIAL MAGISTRATE,
NO.IV, TIRUPPUR.

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
PERUMANALLUR POLICE STATION,
TIRUPPUR DISTRICT.

7 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

+1 C.C. to M/S.C.PRABAKARAN Advocate on payment of necessary
charges SR.No.2349

Order

in

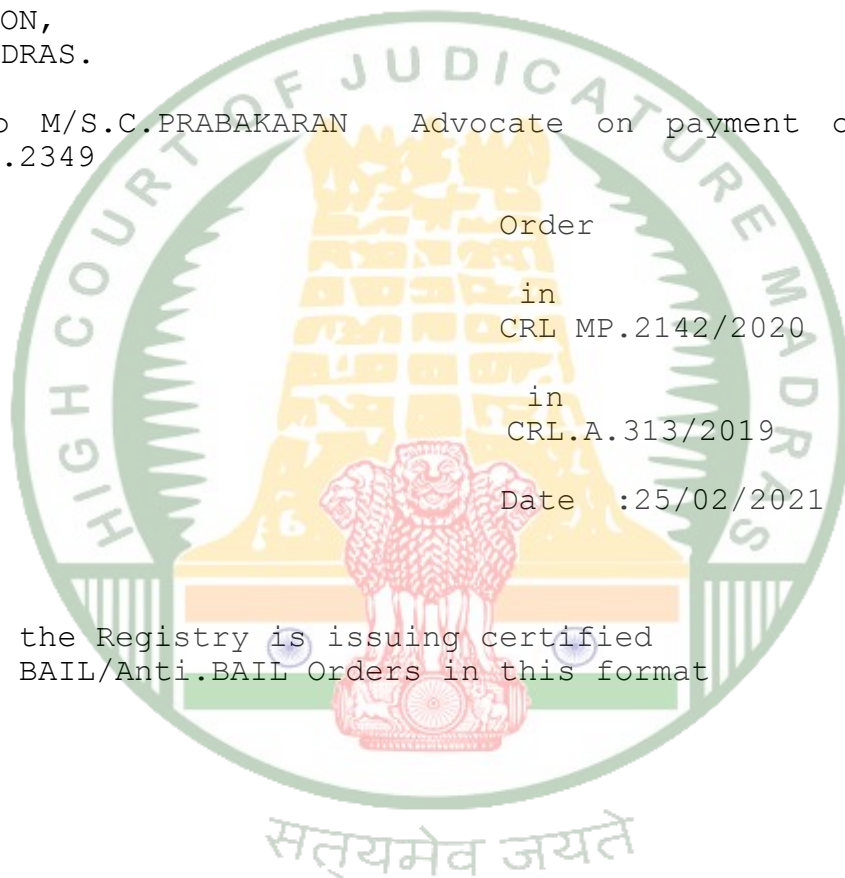
CRL MP.2142/2020

in

CRL.A.313/2019

Date :25/02/2021

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copies of the BAIL/Anti.BAIL Orders in this format
cs 25/02/2021



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