

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Crl.M.P.No.4921 of 2021

in

Crl.A.No.285 of 2019

Dillibabu

.. Petitioner/A1

Vs.

State represented by
The Inspector of Police,
C2, Periya Palayam Police Station.
Thiruvallur District.
(Crime No.685 of 2012)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389 Cr.P.C. to suspend the sentence imposed on the petitioner by judgment and order dated 28.03.2019 passed in S.C.No.81 of 2015 on the file of the learned I Additional Sessions Judge, Thiruvallur and to enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.T.S.N.Prabhakaran

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

O R D E R

This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order dated 28.03.2019 passed in S.C.No.81 of 2015 on the file of the learned I Additional Sessions Judge, Thiruvallur and to enlarge the petitioner on bail pending disposal of the appeal.

2. In the above referred Sessions Case, the petitioner was convicted under Section 302 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.10,000/- in default to undergo simple imprisonment for a further period of one year.

3. Challenging the above conviction and sentence, the petitioner has filed Crl.A.No.285 of 2019 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.T.S.N.Prabhakaran, learned counsel for the petitioner and Mr.K.Prabakar, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that the 2nd accused (now acquitted), who is the wife of the deceased, developed illicit intimacy with the 1st accused/petitioner. The deceased came to know about the alleged illicit intimacy, one week before his death. Since the illicit intimacy having by the 1st accused/petitioner and the 2nd accused was questioned by the deceased, the 1st accused/petitioner and the 2nd accused, decided to do away with the deceased. Therefore, upon instigation made by the 2nd accused, the 1st accused/petitioner, assaulted the deceased with a wooden log on his head and thereafter, the deceased died in the occurrence place itself.

6. It is seen that the entire prosecution case rests upon the circumstantial evidence and only upon the confession statement given by the accused, they were implicated in the present case. Further, some of the witnesses have not supported the case of the prosecution.

7. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner has been in incarceration from 28.03.2019. 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 I Additional Sessions Court, Thiruvallur;

(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/-

20/04/2021

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 I ADDITIONAL SESSIONS JUDGE,
THIRUVALLUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI-66.

3 THE INSPECTOR OF POLICE,
C-2 PERIYA PALAYAM POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. T.S.N.PRABHAKARAN Advocate on payment of
necessary charges SR.No.5098

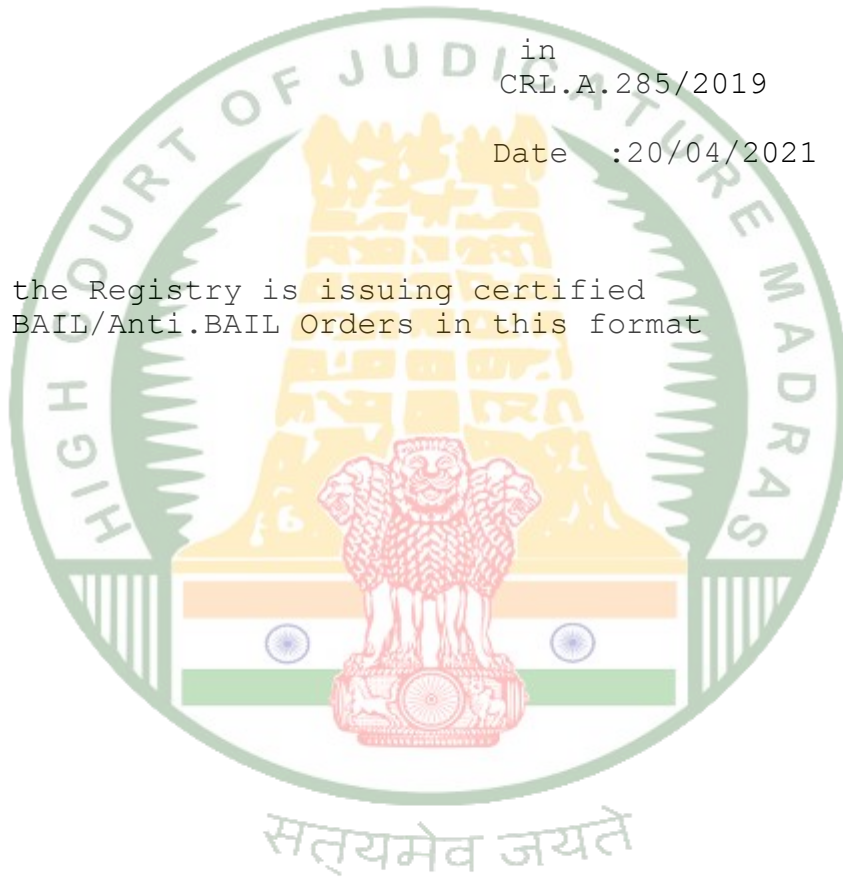
Order

in
CRL MP.4921/2021

in
CRL.A.285/2019

Date :20/04/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
cs 20/04/2021



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