

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2021

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.M.P.No.4713 of 2021

in Crl.A.No.166 of 2021

1.Mariano Anto Bruno
2.Alphonsal

... Petitioners

Vs.

The Inspector of Police,
K-2, Ayanavaram Police Station,
Chennai-600 023.

... Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence passed by the Sessions Judge, Mahila Court, Chennai in S.C.No.209 of 2016 dated 26.03.2021 under Section 498 A of IPC for imprisonment for a period of three years with a fine of Rs.5,000/- each in default which sentence to undergo simple imprisonment for a period of one month and under Section 306 of IPC for imprisonment for a period of 7 years with a fine of Rs.25,000/- each in default of which sentence to undergo simple imprisonment for a period of three months pending disposal of the above Criminal Appeal.

For Petitioners : Mr.R.Singaravelan
Senior Counsel for
Mr.R.Jayaprakash

For Respondent : Ms.T.P.Savitha
Government Advocate (Crl.Side)

ORDER

This petition has been filed seeking to suspend the sentence imposed on the petitioners by judgment dated 26.03.2021 passed in S.C.No.209 of 2016 on the file of the learned Sessions Judge, Mahila Court, Chennai.

2. Learned Senior Counsel appearing for the petitioners would submit that originally, the respondent police registered the First Information Report under Section 174 Cr.P.C, subsequently, the same was altered into Section 306 IPC and there was no materials to alter the charge sheet. There was no eye witness to the said occurrence.

However, the trial Court failed to appreciate the entire materials and convicted the petitioners. He would further submit that there are arguable points in the main Criminal Appeal and till the hearing of the appeal, sentence may be suspended against the petitioners.

3. The learned Government Advocate (Crl.Side) would strongly object the petition and submits that the petitioners were convicted and sentenced to undergo ten years imprisonment.

4. Considering the submissions made by the learned Senior Counsel appearing for the petitioners and also considering the fact that there are arguable points in the main Criminal Appeal and records has to be received from the Trial Court and typed set of papers has to be prepared for hearing of Criminal Appeal and that the first petitioner is a Doctor and the second petitioner is aged about 71 years, this Court is of the view that petitioners herein may be granted the relief of suspension of sentence.

5. In view of the above, this Court is inclined to grant bail to the petitioners on the following conditions:-

(i) The petitioners are directed to be enlarged on bail on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Chennai.

(ii) the petitioners are directed not to leave Chennai without the permission of this Court until the disposal of the appeal.

-sd/-
09/04/2021

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 SESSIONS JUDGE,
MAHILA COURT, CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K-2, AYANAVARAM POLICE STATION,
CHENNAI-600 023.

+1 C.C. to M/S.R.JAYAPRAKASH Advocate on payment of necessary
charges SR.NO.4599

Order

in
CRL MP.4713/2021

in
CRL A.166/2021

Date :09/04/2021

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TA-09/04/2021



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