

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2021

CORAM

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

AND

THE HON'BLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.4901 of 2020

in

Crl.A.No.313 of 2020

Velu

... Petitioner/Accused

Vs

State represented by
The Inspector of Police,
Mudaliarpet Police Station,
Pondicherry.

... 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 20.01.2020 passed in S.C.No.54 of 2017 on the file of the II Additional Sessions Court, Pondicherry and to enlarge the petitioner on bail till the disposal of the appeal.

For Petitioner : Mr.B.Balavijayan

For Respondent: Mr.D.Bharathachakravarthy
Public Prosecutor (Puducherry)

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 20.01.2020 passed in S.C.No.54 of 2017 on the file of the II Additional Sessions Court, Pondicherry and to enlarge the petitioner on bail till the disposal of the appeal.

2. The petitioner, who was an accused in S.C.No.54 of 2017 before the II Additional Sessions Court, Pondicherry, was convicted of the offence under Section 302 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.1,000/-, in default to undergo six months simple imprisonment.

3. Challenging the above conviction and sentence, the petitioner has filed CrI.A.No.313 of 2020 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.B.Balavijayan, learned counsel for the petitioner and Mr.D.Bharathachakravathy, learned Public Prosecutor (Puducherry) appearing for the respondent/State.

5. It is the case of the prosecution that the petitioner suspected the fidelity of his wife and committed her murder on 03.04.2017. Initially a case under Section 174 Cr.P.C. was registered and during the course of investigation, it came to light that the petitioner had taken his wife to a temple and had caused her death as he suspected her fidelity.

6. The case rests on the 'last seen' theory of Illayaraja (PW3), Sakthivel (PW4) and Murugan (PW5) and also the recovery of one earring (M.O.4) on the disclosure statements of the petitioner.

7. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner has been in incarceration from 20.01.2020. 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 II Additional Sessions Court, Puducherry;
- (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/-

07/01/2021

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 II ADDITIONAL SESSIONS
JUDGE, PUDUCHERRY

2 THE PUBLIC PROSECUTOR, PUDUCHERRY

3 THE INSPECTOR OF POLICE,
MUDALIARPET POLICE STATION, PONDICHERRY.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUDUCHERRY

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

C.C. to M/S. B.BALAVIJAYAN Advocate on payment of necessary charges SR.195

WEB COPY

Order
in
CRL MP.4901/2020
in
CRL A.313/2020

Date :07/01/2021

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RVR 07/01/2021

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