

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Crl.M.P.No.6465 of 2021

in Crl.A.No.183 of 2021

Udayakumar

.. Petitioner/sole accused

Vs.

State through its
Inspector of Police,
Mettupalayam Police Station,
Coimbatore District.
(Crime No.246 of 2017)

.. Respondent/Respondent

Criminal Miscellaneous Petition filed under Section 374(2) of Cr.P.C., to suspend the sentence imposed upon the petitioner by judgment and order dated 16.03.2018 passed in S.C.No.8 of 2018 on the file of the learned Special Sessions Judge for Bomb Blast Cases, Coimbatore and to enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.B.M.Subash

For Respondent : Mr.R.Muniyapparaj
Government Advocate (Crl.Side)

ORDER

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

This criminal miscellaneous petition has been preferred by the accused seeking to suspend the sentence imposed upon him, by judgment and order dated 16.03.2018 passed in S.C.No.8 of 2018 on the file of the learned Special Sessions Judge for Bomb Blast Cases, Coimbatore and to enlarge him on bail pending disposal of the appeal.

2. The petitioner, who is the sole accused in S.C.No.8 of 2018 on the file of the learned Special Sessions Judge for Bomb Blast Cases, Coimbatore, was convicted of the offence under Section 302 IPC and sentenced to undergo Life imprisonment along with fine of Rs.1,000/-, in default, simple imprisonment for one month.

3. Challenging the above conviction and sentence, the petitioner/accused has filed Crl.A.No.183 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.B.M.Subash, learned counsel for the petitioner/accused and Mr.R.Muniyapparaj, learned Government Advocate (Crl. Side) appearing for the respondent/State.

5. The case of the prosecution is that on 15.05.2017 at about 9.50am, while at the time the deceased Ananthi was travelling along with PW1 in a bus bearing Regn.No.TN-98-N-1774, near to Sirumugai Power Office, the petitioner/accused, who is the husband of the deceased stabbed her on the left chest and thereby, the deceased Ananthi sustained fatal injury, as a result of which, she died. Thus, the petitioner/accused committed the offence punishable under Section 302 IPC.

6. The learned counsel for the petitioner/accused raised substantial grounds, which needs a detailed appraisal. It is the case of the prosecution that after securing the petitioner/accused, he gave confession statement and the same was recorded in the place wherein the accused was secured. In that aspect, PW9-Suresh Kumar, who attested the confession statement has given a different version, which needs a detailed appraisal.

7. Another aspect in this case is that the witnesses examined on the side of the prosecution has given different version in respect of the weapon which was used during the time of occurrence, hence the same also needs a detailed appraisal. Moreover, the petitioner/accused has been in incarceration from 16.03.2018. 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/accused is entitled to the relief of suspension of sentence and bail.

8. Accordingly, sentence of imprisonment alone is suspended 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 learned Special Sessions Judge for Bomb Blast Cases, Coimbatore.

- (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/-
30/06/2021

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 SPECIAL SESSIONS JUDGE FOR BOMB BLAST CASES,
COIMBATORE.

2 THE INSPECTOR OF POLICE,
METTUPALAYAM POLICE STATION,
COIMBATORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

C.C. to M/S.B.MOHAN Advocate on payment of necessary charges

Order

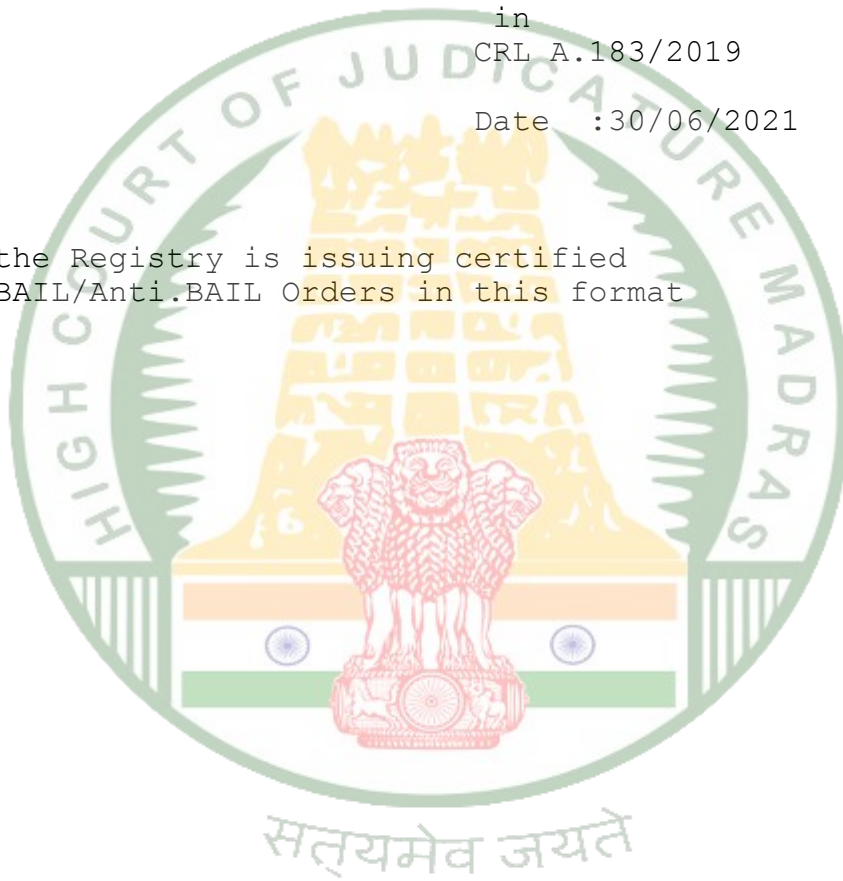
in
CRL MP.6465/2021

in
CRL A.183/2019

Date :30/06/2021

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MN-02/07/2021



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