



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Sixth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.7780 of 2021

IN CRL.A.230 of 2018

DURAI

[ PETITIONER ]

Vs

STATE REP BY  
THE INSPECTOR OF POLICE,  
KANJANOOR POLICE STATION,  
VILLUPURAM DISTRICT  
(CRIME NO.109/2015)

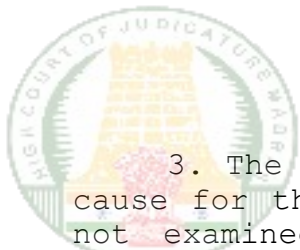
[ RESPONDENT ]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence imposed in SC.No.11/2016 on the file of the Learned the Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court) of Villupuram District at Villupuram dated 08.03.2018 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal Petition No.230/2018 on the file of this Honble Court

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of MR.S.MANO HARAN, Advocate for the petitioner and of MR.R.VINOTH RAJA, Govt. Advocate ( Crl. Side) on behalf of the Respondents the court made the following order:-

The petitioner who is the first accused in this appeal [S.C.No.11 of 2016] has filed this petition seeking bail.

2. The petitioner was convicted under Section 326 of I.P.C and sentenced to undergo three years Rigorous Imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo further period of Simple Imprisonment for 3 months and also he was convicted under Section 304 (i) of I.P.C and sentenced to undergo Rigorous Imprisonment for 10 years and to pay a fine of Rs.5,000/-, in default, to undergo Simple Imprisonment for 6 months. The sentences were ordered to run concurrently.



3. The learned counsel for the petitioner contended that the main cause for the commission of the offence is one Rose Mary but she was not examined and relying upon the evidence of P.W.8 Doctor, the learned counsel contended that there is no external injury and hence, there is a contradiction with regard to the alleged attack by A1 on the body of the deceased.

4. Based on the evidence of P.W.1, P.W.2, P.W.6 and the evidence of Doctor P.W.8, the trial Court has laid the conviction under Section 304 (i) I.P.C. The Trial Court has rendered a specific finding that all the eye witnesses are cogently spoken about the overt act of the first accused that the first accused attacked the deceased with iron rod on her head and the same was corroborated by the medical evidence. Post-mortem Doctor in her report has stated that the deceased appeared to have died on combined defects of blood injury on head and thorax.

5. Though it was contended by the learned counsel for the petitioner that single blow said to have been given is not a reason for the death of the deceased. The trial Court taking into consideration of the said fact has convicted the petitioner only under Section 304 (i) I.P.C and sentenced him to undergo 10 years Rigorous Imprisonment. Hence, in view of the specific overt act against this particular accused coupled with the medical evidence and the finding rendered by the trial Court, I am not inclined to grant bail for the present. However, liberty is given to the petitioner to move bail after sometime.

6. In the result, this CrI.M.P is dismissed.

-sd/-

06/09/2021

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  
MAGALIR NEETHI MANDRAM (FAST TRACK COURT)  
VILLUPURAM DISTRICT

2 THE INSPECTOR OF POLICE,  
KANJANOR POLICE STATION,  
VILLUPURAM DISTRICT



3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,  
CENTRAL PRISON, CUDDALORE

C.C. to S.MANOCHARAN Advocate on payment of necessary charges

Order

in  
CRL MP.7780/2021

in  
Crl.A.230/2018  
Date :06/09/2021

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

APN 09/09/2021