



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of September Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION NO.8950 OF 2021

IN CRL.A.NO.246 OF 2012

1 DHANABAKKIYAM
2 JANAKI
3 RANGANATHAN
4 PARIMALA
5 RAJAMANICKAM
6 KAMALA

[PETITIONERS / APPELLANTS]

Vs

1 STATE REP.BY ITS
THE DEPUTY SUPERINTENDENT OF POLICE,
RASIPURAM, RASIPURAM POLICE STATION,
CRIME NO.966 OF 2002

[RESPONDENTS / RESPONDENTS]

2 P. DHAMAIYANTHI

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.246 OF 2012 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in S.C.No.193 of 2003, on the file of Principal Sessions Judge, Namakkal and enlarge the petitioners on bail in CRL.A.NO.246 OF 2012 [IN CRL.MP.NO.8950 OF 2021]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.246 OF 2012 on the file of the High Court and upon hearing the arguments of M/S.M.RAKHI Advocate for M/S.C.P.SASIKUMAR, Advocate for the petitioner and of MR.R.VINOTH RAJA Govt. Advocate (Crl. Side) for the 1st Respondent and of MR.R.SANKARASUBBU Advocate for the 2nd Respondent, the court made the following order:-

As against the conviction sentence passed by the learned Principal Sessions Judge, Namakkal in S.C.No.193 of 2003, the above Crl.A.No.246 of 2012 is filed.

2. At the time of the admission, except A1, others were granted bail by this Court in M.P.No.1 of 2012, on 16.04.2012.



3. This Court, by an order dated 11.06.2012, in M.P.No.3 of 2012, has also granted bail to A1/husband, subject to the conditions stated therein.

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4. For non appearance of the appellants, the above criminal appeal was dismissed for default on 16.02.2018 and hence, the appellants have preferred an appeal in Crl.A.No.809 of 2021 before the Hon'ble Supreme Court and by an order dated 12.08.2021, the Hon'ble Supreme Court has remanded the matter to this Court by setting aside the said dismissal order passed by this Court on the ground that sufficient opportunity has not been given to the appellants to prosecute the case. Accordingly, by an order dated 02.09.2021, this Court has directed the Registry to restore the very same number and list the case.

5. Today, the above Crl.M.P.No.8950 of 2021 filed by Dhanabakkiyam/A.3 and 5 others and another Crl.M.P.No.8947 of 2021 filed by Muruganandam/A.1, were listed before this Court.

6. Mr.Sankarasubbu, learned counsel for the defacto-complainant/P.W.1 opposed for the grant of bail to A.1 and he seeks time to file counter.

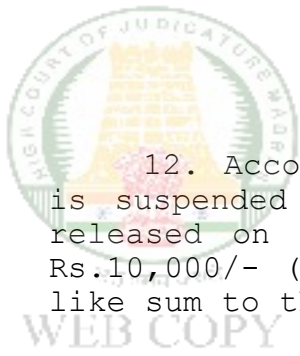
7. Learned Government Advocate (Crl.Side) also objected for the grant of bail.

8. In respect of the petitioners in Crl.M.P.No.8950 of 2021, the learned counsel for the petitioner drawn my attention to the earlier order passed by this Court in M.P.No.1 of 2012 showing that at the time of admission, they were granted suspension of sentence.

9. The learned Government Advocate (Crl.Side) contended that A1 was convicted for the offences under Sections 4 of Dowry Prohibition Act, 498(A) IPC and 494 IPC and also under Section 3(1) (X) of SC & ST Act, while the petitioners in Crl.M.P.No.8950 of 2021 were convicted for the offence under Section 494 r/w. 109 IPC.

10. The objections raised by Mr.R.Sankarasubbu, learned counsel appearing for the defacto-complainant/P.W.1 for the grant of bail to the petitioners herein/A3, A4, A6, A8, A9 and A10 respectively, have taken note of.

11. Taking into consideration the facts and circumstances of the case and also the fact that the petitioners herein were convicted for the offence under Section 494 r/w. 109 of I.P.C and also taking into consideration the age of the these petitioners and also the present pandemic situation, I am inclined to grant bail to them, subject to the following conditions.



12. Accordingly, the substantive sentence of imprisonment alone is suspended pending appeal and the petitioners are ordered to be released on bail on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Namakkal.

-sd/-
07/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SESSIONS JUDGE,
NAMAKKAL.

2 THE SESSIONS JUDGE,
NAMAKKAL.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE SUPERINTENDENT,
WOMEN'S JAIL, THORAPADI,
VELLORE.

5 THE DEPUTY SUPERINTENDENT OF POLICE,
RASIPURAM, RASIPURAM POLICE STATION.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2C.C. to M/S.C.P.SASIKUMAR Advocate on payment of necessary charges SR.NO.9678

Order

in
CRL.MP.NO.8950/2021
in
CRL.A.NO.246/2012

Date :07/09/2021

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