

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2021

CORAM

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

AND

THE HON'BLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.8072 of 2020

in Crl.A.No.498 of 2020

R.Muniraj

.. Petitioner

Vs.

The Inspector of Police,
Perumbalai Police Station,
Dharmapuri.

.. Respondent

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioner by judgment dated 31.10.2019 in S.C.No.4 of 2018 on the file of the Additional Sessions Judge, Dharmapuri and grant bail to the petitioner pending disposal of the appeal.

For Petitioners : Ms.H.Kalpana

For Respondent : Mr.K.Prabhakar,
Addl. Public Prosecutor

ORDER

(Order of the Court was made by V.SIVAGNANAM, J.)

This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment dated 31.10.2019 in S.C.No.4 of 2018 on the file of the Additional Sessions Judge, Dharmapuri.

2.The petitioner has been arrayed as sole accused in S.C.No.4 of 2018 on the file of the Additional Sessions Judge, Dharmapuri. The Trial Court, by judgment dated 31.10.2019, convicted the petitioner for the offence punishable under Sections 302 and 302 r/w 201 IPC. For the offence punishable under Section 302 IPC, the petitioner was sentenced to undergo life imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo one year simple imprisonment and for the offence punishable under Section 302 r/w 201 IPC, the petitioner was sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.500/-, in default, to undergo three months simple imprisonment.

3.Challenging the above conviction and sentence, the petitioner has filed CrI.A.No.498 of 2020 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4.Heard Ms.H.Kalpana, learned counsel for the petitioner and Mr.K.Prabhakar, learned Additional Public Prosecutor appearing for the respondent/State.

5.It is the case of the prosecution that the deceased developed illicit intimacy with the daughter of the petitioner, who is a deserted woman. Despite warning, the deceased continued the relationship. Enraged over the same, the petitioner cut the deceased on his neck with koduval. The prosecution rests upon the evidence of P.W.1, who is the mother of the deceased and convicted the accused. The petitioner is in custody from 31.10.2019.

5.Considering the fact that the petitioner, being the father of the daughter, enraged over the illicit relationship of the deceased, attacked him with koduval and caused the death of the deceased. Considering the circumstances under which the crime took place and the petitioner is in custody from 31.01.2019, we are of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

6.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 Additional Sessions Judge, Dharmapuri;

(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/-

19/01/2021

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

TRUE COPY

TO

1 THE ADDITIONAL SESSIONS JUDGE,
DHARMAPURI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERUMBALAI POLICE STATION,
DHARMAPURI.

C.C. to M/S.P.C.THİYAGU Advocate on payment of necessary charges

Order

in
CRL MP.8072/2020

in
CRL.A.498/2020

Date :19/01/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
cs 21/01/2021

सत्यमेव जयते

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