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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

CrI.M.P.No.10717 of 2021

in

CrI.A.No.486 of 2021

Sai Babu

.. Petitioner/Accused

Vs.

State by:

The Inspector of Police,
Kullanchavadi Police Station,
Cuddalore Dist.

(Crime No.313 of 2017)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence which was imposed by the learned Sessions Judge, Mahila Court, Cuddalore, in SC No.80 of 2018 dated 26.09.2019 and enlarge the petitioner/appellant on bail pending disposal of the appeal.

For Petitioner : Mr.A.Arasu Ganesan

For Respondent: Mr.R.Muniyapparaj
Govt. Advocate (CrI.Side)

O R D E R

(Made by P.N.PRAKASH, J.)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 26.09.2019 passed in SC No.80 of 2018 on the file of the Sessions Judge, Mahila Court, Cuddalore, and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who was an accused in SC No.80 of 2018 before the Sessions Judge, Mahila Court, Cuddalore, was convicted and sentenced as follows on 26.09.2019:



S.No.	Provision under which convicted	Sentence
1	Section 302 IPC (two counts)	Life imprisonment and fine of Rs.5,000/- each for the two counts (total fine amount Rs.10,000), in default, to undergo six months simple imprisonment.
2	Section 309 IPC	one year Simple imprisonment.

The aforesaid sentences are ordered to run concurrently.

3. Challenging the above conviction and sentences, the petitioner has filed CrI.A.No.486 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.A. Arasu Ganesan, learned counsel for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that the petitioner was the second wife of one Venkatesan, who died sometime back leaving behind the petitioner with her two minor children. Since the petitioner was in deep debts and was not able to repay the creditors, she resolved to end her life and also that of her children and therefore, she jumped into a well with her two children. Sadly, her two children died, but she was rescued.

6. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration from 26.09.2019. 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.

7. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment 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 Judicial Magistrate No. III, Cuddalore.
- (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



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(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 she is not able to appear before the trial Court on any day, she 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 her absence, as directed by the trial Court.

-sd/-

16/11/2021

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 JUDICIAL MAGISTRATE NO.III, CUDDALORE

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
KULLANCHAVADI POLICE STATION,
CUDDALORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

C.C. to M/S. A.ARASU GANESHAN Advocate on payment of necessary charges Sr.12851

Order

in CRL MP.10717/2021
in Crl.A.No.486 of 2021

Date :16/11/2021

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

RVR 19/11/2021