

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2021

CORAM

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

AND

THE HON'BLE MR. JUSTICE V.SIVAGNANAM

CrI.M.P.No.8772 of 2020

in

CrI.A.No.535 of 2020

Manikandan

.. Petitioner/Accused

Vs

State represented by
The Inspector of Police,
B-2, R.S.Puram Police Station,
Coimbatore.

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioner by judgment and order dated 29.08.2018 passed in S.C.No.270 of 2015 on the file of the IV Additional District and Sessions Court, Coimbatore and to enlarge the petitioner on bail till the disposal of the appeal.

For Petitioner : Dr.S.Manoharan

For Respondent: Mr.K.Prabhakar

Additional Public Prosecutor

WEB COPY
O R D E R

This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order dated 29.08.2018 passed in S.C.No.270 of 2015 on the file of the IV Additional District and Sessions Court, Coimbatore and to enlarge the petitioner on bail till the disposal of the appeal.

2. The petitioner, who was an accused in S.C.No.270 of 2015 before the IV Additional District and Sessions Court, Coimbatore, was convicted and sentenced as follows:

S.No.	Provision under which convicted	Sentence
1	Section 302 IPC	Rigorous imprisonment for life and fine of Rs.1,000/-, in default to undergo two months simple imprisonment.
2	Section 201 IPC	Seven years rigorous imprisonment and fine of Rs.1,000/-, in default to undergo two months simple imprisonment.

The aforesaid sentences were ordered to run concurrently.

3. Challenging the above conviction and sentences, the petitioner has filed CrI.A.No.535 of 2020 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Dr.S.Manoharan, 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 petitioner, who was in an inebriated condition, picked up quarrel with his wife Kalaivani, hit her and and strangled her to death on 15.03.2015 around 8.30 p.m.

6. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner has been in incarceration from 29.08.2018. 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 is entitled to the relief of suspension of sentence and bail.

7. 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 Principal Sessions Court, 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 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/-

25/01/2021

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 PRINCIPAL SESSIONS JUDGE, COIMBATORE.

2 THE IV ADDITIONAL DISTRICT AND
SESSIONS JUDGE, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
B-2 R.S.PURAM POLICE STATION,
COIMBATORE.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

C.C. to M/S.DR.S.MANOCHARAN Advocate on payment of necessary charges

Order
in
CRL MP.8772/2020
in
CRL A.535/2020

Date :25/01/2021

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