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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

CrI.M.P.No.11574 of 2021

in CrI.A.No.180 of 2021

Valli

.. Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Mettupalayam Police Station,
Puducherry.

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed on the petitioner by judgment and order dated 31.03.2021 passed in S.C.No.43 of 2018 on the file of the II Additional Sessions Court, Puducherry and to enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.E.Anbarasan

For Respondent: Mr.V.Balamurugane
Public Prosecutor (Puducherry)

ORDER

(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 31.03.2021 passed in S.C.No.43 of 2018 on the file of the II Additional Sessions Court, Puducherry and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who was an accused in S.C.No.43 of 2018 before the II Additional Sessions Court, Puducherry, were convicted and sentenced as follows on 31.03.2021:



S.No.	Provision under which convicted	Sentence
1	Section 325 IPC	No separate sentence.
2	Section 302 IPC	Life imprisonment and fine of Rs.1,000/-, in default to undergo six months simple imprisonment.
3	Section 201 IPC	Seven years rigorous imprisonment and fine of Rs.1,000/-, in default to undergo six 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.180 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.E.Anbarasan, learned counsel for the petitioner and Mr.V.Balamurugane, learned Public Prosecutor (Puducherry) appearing for the respondent/State.

5. It is the case of the prosecution that the petitioner is said to have caused the death of her mother-in-law viz., Aboorvam, by assaulting her.

6. This case is entirely based on circumstantial evidence. It is seen that the petitioner had herself taken her mother-in-law to the hospital and admitted her. After the death of Aboorvam, FIR was initially registered under Section 174 Cr.P.C. On suspicion that the death of Aboorvam could have been caused by the petitioner based on the number of injuries found on the body of Aboorvam, the FIR was altered to one under Section 302 IPC and the petitioner was arrested. The postmortem report (Ex-P10) shows that alcohol was present in the visceral organs of Aboorvam.

7. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration from 31.03.2021. 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.

8. 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 II Additional Sessions Court, Puducherry;



- (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/-
09/12/2021

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 II ADDITIONAL SESSIONS JUDGE,
PUDUCHERRY.

2 THE INSPECTOR OF POLICE,
METTUPALAYAM POLICE STATION,
PUDUCHERRY.

3 THE SUPERINTENDENT,
CENTRAL PRISON, KALAPET, PUDUCHERRY.

4 THE PUBLIC PROSECUTOR
PUDUCHERRY.

+1C.C. to M/S.E.ANBARASAN Advocate on payment of necessary charges SR.NO.14387



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Order
in
CRL MP.11574/2021
in
CRL.A.180/2021
Date :09/12/2021

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CSK 10/12/2021