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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Cr1.M.P.No.11210 of 2021

in Cr1.A.No.516 of 2021

Jayasudha

... Petitioner/Accused No.2

Vs.

State represented by
The Inspector of Police,
Nannilam Police Station,
(Crime No.14 of 2018),
Thiruvavarur District.

.. 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 21.10.2021 passed in S.C.No.7 of 2019 on the file of the Principal District and Sessions Court, Thiruvavarur and to enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.Swamisubramanian

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor

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 21.10.2021 passed in S.C.No.7 of 2019 on the file of the Principal District and Sessions Court, Thiruvavarur and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who was the second accused in S.C.No.7 of 2019 before the Principal District and Sessions Court, Thiruvavarur, was convicted for the offence under Section 307 r/w 109 IPC and sentenced to undergo four years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo three months simple imprisonment.



3. Challenging the above conviction and sentence, the petitioner (A2) has filed CrI.A.No.516 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.Swamisubramanian, learned counsel for the petitioner (A2) and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is seen that in S.C.No.7 of 2019, one Arivanantham (A1) has been convicted and sentenced to undergo life imprisonment and therefore, the present appeal has been listed before this Court in terms of Rule 181 (i) of the Criminal Rules of Practice, 2019.

6. It is the case of the prosecution that Maheswaran (PW1) and the petitioner (A2) had a quarrel as Maheswaran (PW1) was maligning the character of the petitioner (A2). While they were quarrelling, Arivanantham (A1), cousin of the petitioner (A2), intervened and attacked Maheswaran (PW1). In that attack, Maheswaran (PW1) escaped, but, one Rajesh Kannan, who came to mediate, was injured and later, he succumbed to the injuries.

7. On these allegations, initially a case under Section 307 IPC was registered against Arivanantham (A1) and after the death of Rajesh Kannan, the case was altered to one under Sections 302 and 307 IPC implicating the petitioner (A2) herein.

8. In the peculiar facts and circumstances of the case, the petitioner (A2) being a lady, this petition seeking suspension of sentence and bail is taken up for hearing.

9. The petitioner (A2) has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner (A2) has been in incarceration from 21.10.2021. 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 (A2) is entitled to the relief of suspension of sentence and bail.

10. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioner (A2) on the following conditions:

- (i) The petitioner (A2) 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 District and Sessions Court, Thiruvarur District;
- (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 (A2) shall appear before the respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioner (A2) 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/-
18/11/2021

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 PRINCIPAL DISTRICT SESSIONS JUDGE,
THIRUVARUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
NANNILAM POLICE STATION,
THIRUVARUR DISTRICT.

4 THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON FOR WOMEN, TIRUCHIRAPALLI.

+1 C.C. to M/S SWAMISUBRAMANIAN Advocate on payment of
necessary charges SR.NO.12951

Order

in
CRL MP.11210/2021
in
CRL A.516/2021

Date :18/11/2021

From 7.2.2001 the Registry is issuing certified
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