

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2021

CORAM

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

AND

THE HON'BLE MR. JUSTICE V.SIVAGNANAM

CrI.M.P.No. 16965 of 2019

in CrI.A.No. 788 of 2019

Subramani

... Petitioner

Vs

The State by
The Inspector of Police,
Uthanapalli Police Station,
Hosur.
Crime No. 80 of 2015

... Respondent

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence passed by the Sessions Judge, Fast Track Mahilar Court, Krishnagiri, in S.C.No. 111 of 2016 dated 22.06.2018 and enlarge him on bail pending disposal of the above appeal.

For Petitioner : Ms.S.Santha Kumari

For Respondent : Mr.K.Prabhakar
Additional Public Prosecutor

ORDER

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

This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order dated 22.06.2018 in S.C.No. 111 of 2016 on the file of the Sessions Judge, Fast Track Mahilar Court, Krishnagiri and to enlarge the petitioner on bail till the disposal of the appeal.

2. The petitioner, who was an accused in S.C.No. 111 of 2016 before the Sessions Judge, Fast Track Mahilar Court, Krishnagiri, was convicted and sentenced as follows:

S.No.	Provision under which convicted	Sentence
1	Section 302 IPC	Rigorous imprisonment for life and to pay a fine of Rs.1,000/-, in default, to undergo six months rigorous imprisonment.
2	Section 506(ii) IPC	Six months rigorous imprisonment and to pay a fine of Rs.500/-, in default, to undergo two months rigorous imprisonment.

The aforesaid sentences were ordered to run concurrently.

3. Challenging the above conviction and sentences, the petitioner has filed CrI.A.No. 788 of 2019 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Ms.S.Santha Kumari, 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 in an inebriated state, demanded more money for drinking from his wife and when she refused, the petitioner stabbed her on the back-side of the neck and brutally attacked her, resulting in her death.

6. The petitioner is under incarceration from the date of his arrest- 26.02.2015. The eye witness to this case is P.W.1, who is the daughter of the accused, who in her cross-examination has stated that she had gone to her grandfather's house which is before the incident. Thus, the petitioner has raised substantial grounds in the appeal which require detailed appraisal. 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 Judicial Magistrate No.2, Hosur;

(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/-
27/01/2021

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 JUDICIAL MAGISTRATE NO.2,
HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
KRISHNAGIRI.

4 THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
UTHANNAPALLI POLICE STATION,
KRISHNAGIRI DISTRICT

+1C.C. to M/S.M.G.UDAYA SHANKAR Advocate on payment of
necessary charges SR NO.886

Order

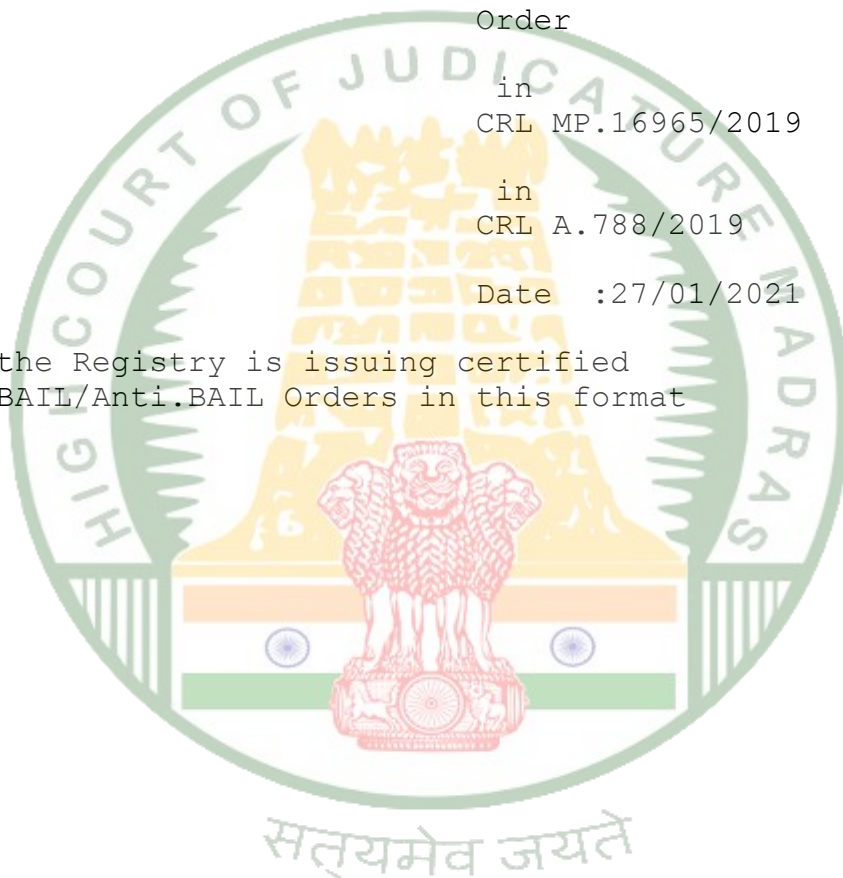
in
CRL MP.16965/2019

in
CRL A.788/2019

Date :27/01/2021

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

MK:29/01/2021



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