



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.M.P.No.644 of 2022

in

Cr1.A.No.45 of 2022

1.Kasilingam
2.Rayamma
3.Sarasu
4.Kuppusamy
5.Palanivel
6.Vijayalakshmi

... Petitioners

..Vs..

State Represented by
The Inspector of Police,
All Women Police Station,
Virudachalam,
Cuddalore District.
(Crime No.29 of 2016)

... Respondent

PRAYER: Criminal Miscellaneous petition filed under Section 389(i) of Cr.P.C, to enlarge the petitioners on bail by suspending the sentence imposed in S.C.No.20 of 2019 dated 16.12.2021 on the file of the Sessions Judge, Mahila Court, Cuddalore pending disposal of above Criminal Appeal.

For Petitioners : Mr.N.R.Rajagopalan

For Respondent : Mr.S.Sugendran,
learned Government Advocate
(crl.side)

ORDER

(This Cas has been heard through video conferencing)

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in S.C.No.20 of 2019 dated 16.12.2021 on the file of the Sessions Judge, Mahila Court, Cuddalore pending disposal of above Criminal Appeal.



2. In and by the judgment of the trial court, A2 to A7 were convicted for the offence under Section 294(b) to pay a fine of Rs.4,000/- each in default to undergo three weeks of S.I each and A6 and A7 were convicted for the offence under Section 506(i) of IPC and sentenced to undergo three months of S.I each and to pay a fine of Rs.3,000/- each and in default to undergo three weeks of S.I each respectively and against which the present appeal has been filed.

3. Learned counsel appearing for the petitioners would submit that the petitioners who are arrayed as A2 to A7, were implicated in this case, since they happened to be parents and relatives of the main accused/A1. Without there being any evidence to prove the charges against the petitioners for the offences viz., 294(b) and 506(i) I.P.C, the Trial Court had erred in convicting the petitioners/accused. He would further submit that the main accused/A1 in this case was convicted and sentenced to undergo 10 years R.I. and as far as these petitioners A6 and A7 are concerned, they were sentenced to undergo three years S.I. and the sentence has been suspended by the Trial Court. He would further submit that there are arguable points available in the Criminal Appeal Case, which is not likely to be taken for final hearing in the near future and the Petitioner/accused has got a fair chance of succeeding in the Criminal Appeal Case.

4. Heard the learned counsels and perused the materials on record.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioners/accused, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal appeal, the reliefs of suspension of sentence and bail are granted, on the following conditions :-

(i) The petitioners/accused shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the Sessions Judge, Mahila Court, Cuddalore, within 15 days from the date of commencement of the court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically and on further condition that:

(ii) The petitioners/accused shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.



6. The
accordingly.

Criminal Miscellaneous Petition is ordered

WEB COPY

-sd/-
27/01/2022

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 SESSIONS JUDGE,
MAHILA COURT, CUDDALORE.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUDACHALAM, CUDDALORE DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.N.R.RAJAGOPALAN Advocate on payment of necessary
charges SR.NO.1286

Order
in
CRL MP.644/2022
in
CRL A.45/2022

Date :27/01/2022

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

JPA 28/01/2022