



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.2642 of 2022

in Crl.A.No.209 of 2021

Ramalingam

...Petitioner /
Accused

versus

State represented by
Deputy Superintendent of Police,
Perur Sub Division,
Coimbatore District,
Perur.
(AWPS Crime No.3 of 2016)

...Respondent /
Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 389 (1) of Cr.P.C., praying to suspend the sentence imposed by the judgment dated 23.03.2021 in Sessions Case No.110 of 2019 on the file of the Sessions Judge, Magalir Neethimandram (Mahila Court), Coimbatore and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

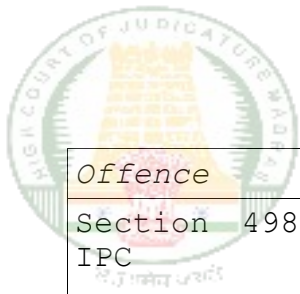
For Petitioner : Mr.K.Balasubramaniam

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been preferred by the petitioner/accused, seeking to suspend the sentence imposed upon him, by judgment and order dated 23.03.2021 passed in Sessions Case No.110 of 2019 on the file of the Sessions Judge, Magalir Neethimandram (Mahila Court), Coimbatore, and to enlarge him on bail, pending disposal of the appeal.

2. The petitioner, who is the accused in Sessions Case No.110 of 2019 on the file of the Sessions Judge, Magalir Neethimandram (Mahila Court), Coimbatore. He was found guilty for the offences under Sections 498(A) and 306 of IPC and he has been convicted and sentenced as under:



Offence	Sentence
Section 498(A) of IPC	Rigorous Imprisonment for 2 years along with fine of Rs.1,000/-, in default, to undergo Simple Imprisonment for 6 months
Section 306 of IPC	Rigorous Imprisonment for 7 years along with fine of Rs.1,000/-, in default, to undergo Simple Imprisonment for 1 year
The aforesaid sentences were ordered to run concurrently.	

3. Challenging the above conviction and sentences, the petitioner/accused, has filed CrI.A.No.209 of 2021 along with the instant Miscellaneous Petition, seeking suspension of sentence and bail.

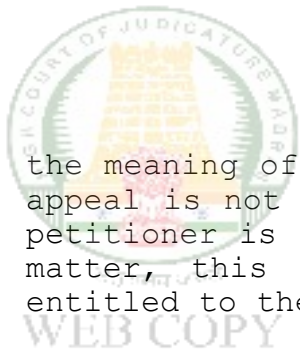
4. The case of the prosecution is that the petitioner and the deceased were married on 29.05.2015 and they lived happily for 3 months and thereafter, the petitioner suspected her that she was having illicit intimacy with his younger brother, namely, Ramesh and ill-treated her. In the meantime, the deceased became pregnant, on 23.03.2016, due to frustration and harassment, the deceased consumed yellow cow dung powder and thereafter, she was admitted the hospital and subsequently, she died. Therefore, the respondent police registered a case against the petitioner/accused for the offences punishable under Sections 498(A) and 306 of IPC.

5. According to the learned counsel for the petitioner, there are arguable points available in this appeal and the petitioner has got a fair chance of succeeding in this appeal and hence, the substantive sentence imposed against the petitioner may be suspended before the trial Court.

6. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

7. Heard Mr.K.Balasubramaniam, learned counsel appearing for the petitioner/accused and Mr.Leonard Arul Joseph Selvam, learned Government Advocate (CrI. Side), appearing for the respondent/State and also perused the materials placed on record.

8. Now, the submissions made by the learned counsel appearing on either side are considered. The evidence given by the witnesses in respect to the alleged occurrence needs a detailed appraisal. Whether the act committed by the petitioner constituted the abetment within



the meaning of Section 107 of IPC needs elaborate argument. Also, the appeal is not likely to be taken up in the near future. Further, the petitioner is in incarceration from 23.03.2021. In such a view of the matter, this Court is of the view that the petitioner/accused is entitled to the relief of suspension of sentence and bail.

9. Accordingly, sentence of imprisonment alone is suspended and bail is granted to the petitioner on the following conditions:

(a) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethimandram (Mahila Court), Coimbatore;

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities; and

(c) The petitioner shall appear before the Trial Court on the first working day of every English Calendar 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.

10. With the above directions, this Criminal Miscellaneous Petition is ordered.

-sd/-
04/03/2022

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,
MAGALIR NEETHIMANDRAM (MAHILA COURT),
COIMBATORE.



2 DEPUTY SUPERINTENDENT OF POLICE,
PERUR SUB DIVISION,
COIMBATORE DISTRICT, PERUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

+1C.C. to M/S.K.BALASUBRAMANIAM Advocate on payment of necessary
charges SR.No.3335

Order
in
CRL MP.2642/2022
in
CRL A.209/2021
Date :04/03/2022

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

CSK 08/03/2022