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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2022

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

CrI.M.P.No.3020 of 2022

in CrI.A.No.240 of 2022

1.Krishnaveni

2.Ganapathy

..Petitioners/Accused 4 & 5

Vs.

State represented by
The Assistant Commissioner of Police,
Law & Order (South),
Coimbatore City.
(Crime No.576/2016 Podhanur P.S.)

..Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C., to suspend the sentence imposed on the petitioners by judgment and order dated 04.05.2021 passed in S.C.No.190 of 2017 on the file of the Sessions Court, Magalir Neethimandram, (Mahila Court), Coimbatore and to enlarge the petitioners on bail pending disposal of the appeal.

For Petitioners : Mr.Ganesha Moorthy B.

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor

O R D E R

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

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioners by judgment and order dated 04.05.2021 passed in S.C.No.190 of 2017 on the file of the Sessions Court, Magalir Neethimandram, (Mahila Court), Coimbatore and to enlarge the petitioners on bail pending disposal of the appeal.



2. The petitioners (AA 4 and 5) faced a prosecution along with three others viz., Santhakumar (A1), Saradha (A2) and Sureshkumar (A3) in S.C.No.190 of 2017 before the Sessions Court, Magalir Neethimandram, (Mahila Court), Coimbatore, in which, they were convicted and sentenced as follows on 04.05.2021:

Accused	Provision under which convicted	Sentence
Krishnaveni (A4) and Ganapathy (A5)	Section 498-A IPC, each	Two years rigorous imprisonment and fine of Rs.500/-, in default to undergo three months simple imprisonment, each.
	Section 304-B IPC, each	Seven years rigorous imprisonment and fine of Rs.500/-, in default to undergo one year simple imprisonment, each.
	Section 4 of the Dowry Prohibition Act, 1961, each	Six months rigorous imprisonment and fine of Rs.500/-, in default to undergo one month simple imprisonment, each.
The aforesaid sentenced were ordered to run concurrently.		

3. Challenging the above conviction and sentences, the petitioners (AA 4 and 5) have filed CrI.A.No.240 of 2022 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.Ganesha Moorthy B., learned counsel for the petitioners (AA 4 and 5) and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that the petitioners (AA 4 and 5) are the parents of Santhakumar (A1) and parents-in-law of the deceased Girija; the petitioners (AA 4 and 5) allegedly demanded a sum of Rs.10,000/- and five sovereigns of gold during marriage, apart from which, there is no other allegation with regard to physical assault of Girija by the petitioner (AA 4 and 5).

6. The petitioners (AA 4 and 5) have raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioners (AA 4 and 5) have been in incarceration since 04.05.2021. In such view of the matter, this Court is of the view that the petitioners (AA 4 and 5) are entitled to the relief of suspension of sentence and bail.



7. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioners (AA 4 and 5) on the following conditions:

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- (i) The petitioners (AA 4 and 5) shall be released on bail on they executing 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 Sessions Court, Magalir Neethimandram, (Mahila Court), Coimbatore;
- (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 mobile number, Aadhar card or Bank pass Book to ensure their identity; and
- (iii) The petitioners (AA 4 and 5) 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 they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.

-sd/-

04/04/2022

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 SESSIONS JUDGE,
MAGALIR NEETHIMANDRAM, (MAHILA COURT),
COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN,
COIMBATORE



4 THE ASSISTANT COMMISSIONER OF
POLICE, LAW AND ORDER (SOUTH),
COIMBATORE CITY.

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5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. GANESHA MOORTHY B. Advocate on payment of
necessary charges SR.NO. 5060

Order

in

CRL MP.3020/2022

in

CrI.A.No.240 of 2022

Date :04/04/2022

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RW 05/04/2022