



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.3762 of 2022

in

Crl.A.No.486 of 2020

Manikandan

.. Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
Pennadam Police Station,
Cuddalore District.
(Crime No.397 of 2016)

... Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 389 (1) of Cr.P.C to suspend the sentence in S.C.No.347 of 2017 dated 06.11.2020 on the file of Sessions Judge, Mahila Court, Cuddalore and enlarge the petitioner on bail pending disposal of the above Crl.A.No.486 of 2020 on the file of this Court.

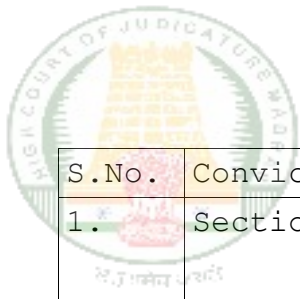
For Petitioner : Mr.R.Sankarasubbu

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners/accused, seeking suspension of sentence of imprisonment imposed by the learned Sessions Judge, Mahila Court, Cuddalore in S.C.No.347 of 2017 dated 06.11.2020 and enlarge the petitioner on bail pending disposal of Crl.A.No.486 of 2020.

2. The petitioner/appellant herein is the accused in Sessions Case No.347 of 2017 on the file of the Sessions Judge, Mahila Court, Cuddalore. He was found guilty for the offences punishable under Sections 498-A and 304-B of I.P.C. and he has been convicted and sentenced as under:



S.No.	Conviction	Sentence
1.	Section 498-A I.P.C.	3 years Simple Imprisonment and fine of Rs.10,000/- in default to undergo 6 months Simple Imprisonment
2.	Section 304B I.P.C.	10 years Simple Imprisonment
The sentences are directed to run concurrently.		

3. Challenging the above conviction and sentence, the petitioner/accused has filed CrI.A.No.486 of 2020 along with the instant miscellaneous petition seeking suspension of sentence and bail.

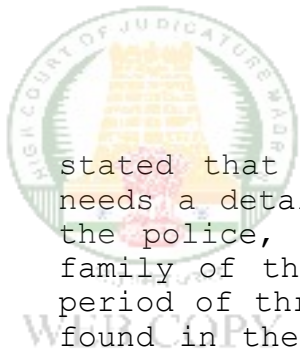
4. The case of the prosecution is that, the petitioner is the husband of the deceased Sulochana. He married the deceased on 15.09.2013 and after marriage, the petitioner harassed the deceased Sulochana for dowry i.e. Pulsar motor cycle, which was agreed to be given at the time of marriage. Due to the cruelty and repeated harassment committed by the petitioner, on 08.12.2016 at about 9.00 a.m., i.e. within 4 years from the date of marriage, the deceased committed suicide by pouring kerosene all over her body, set fire and that as a result, she sustained burn injuries all over her body. In spite of the treatment, she died due to burns on 09.12.2016 at 4.00 a.m. at Kilpauk Medical College Hospital. Hence, a case was registered against the petitioner/accused for the offences punishable under Sections 498-A and 304-B of I.P.C.

5. Learned counsel would submit that there are arguable points available in the Criminal Appeal and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the Petitioner/Accused may be suspended and the petitioner may be enlarged on bail pending disposal of the above Criminal Appeal.

6. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/Police raised objection stating that the evidence 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 the learned counsels appearing on either side and also perused the materials placed on record.

8. The submissions made by the learned counsel appearing on either side are considered. P.W.1, who is the mother of the deceased, gave evidence before the trial Court as, while at the time the deceased was sent to the petitioner's/accused house, she had conceived. On the other hand, in the post-mortem certificate, it was



stated that the bladder and uterus are empty. Therefore, the same needs a detailed appraisal. Further, in the complaint lodged before the police, it was stated that there was a misunderstanding in the family of the deceased as she has not given birth to a child for a period of three years after the date of marriage. The said submission found in the complaint coupled with doubt given by P.W.1 also needs detailed appraisal. Further the appeal is not likely to be taken up for final hearing in the near future.

9. Accordingly, considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioners, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail is granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Cuddalore.

(b) The petitioner 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.

(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.

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

-sd/-

25/03/2022

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.



1 THE SESSIONS JUDGE,
MAHILA COURT, CUDDALORE.

2 THE INSPECTOR OF POLICE,
PENNADAM POLICE STATION,
CUDDALORE DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S. R.SANKARASUBBU Advocate on payment of necessary charges SR.No.4525

Order
in
CRL MP.3762/2022
in
CRL A.486/2020
Date :25/03/2022

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

CSK 28/03/2022