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Crl.M.P.No.4011 of 2022 in Crl.A.No.339 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.4011 of 2022
in
Crl.A.No.339 of 2022

Thameem Ansari, (M/A-39 years),
S/o. Batsha.

... Petitioner

Versus

State rep.by
The Inspector of Police,
J-3, Guindy Police Station,
Chennai.
(Crime No.1100 of 2015)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Sections 389 (1) of the Code of Criminal Procedure, pleaded to suspend the sentence imposed in S.C.No.357 of 2015, dated 02.11.2021 on the file of the Learned Session Judge, Mahalir Neethimandram, Chennai and enlarge him on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr. S. N. Arunkumar
For Respondent : Mr. S. Vinoth Kumar
Govt. Advocate (Crl. Side)



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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence imposed in S.C.No.357 of 2015, dated 02.11.2021 by the Learned Session Judge, Mahalir Neethimandram, Chennai and enlarge him on bail, pending disposal of the Criminal Appeal.

2.Heard the learned Counsel for the petitioner and learned Government Advocate (Criminal Side) for the respondent.

3.The learned Counsel for the petitioner taking this Court through evidence on record that after 12 years of marriage, the wife committed suicide and the prosecution in this case, have not proved any *prima facie* against the accused, which would not constitute as instigation by the petitioner. Therefore, he would submit that the Trial Court had erroneously convicted the petitioner and he is in Jail from 02.11.2021 onwards and prays for suspending the sentence.

4.Per contra, the learned Government Advocate (Crl.Side) would submit



that in this case, the prosecution has demonstrated that it is only on account of the petitioner/accused, the deceased committed the suicide, therefore, the Trial Court has rightly convicted the petitioner and opposed for granting the suspension of sentence to him.

5.I have considered the rival submissions made on either side and perused the materials on record.

6.Considering the submissions made on behalf of the petitioner for the purpose of making out a *prima facie* case and various grounds raised in the appeal and considering the sentence imposed on the accused and considering the fact that he is in prison from 02.11.2021 and considering the fact that it may take a while before this Court to take up the appeal for final hearing, I am of the view that this is a fit case for suspension of sentence for the petitioner pending disposal of the appeal on the following conditions:-

(a) the petitioner is ordered to be released on bail, on his 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 Trial Court;

(b) the petitioner and the sureties shall affix their



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photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar 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 Criminal 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 of 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.

7. This Criminal Miscellaneous Petition is ordered accordingly.

12.08.2022

Index : yes/no
Speaking order/Non-speaking order

klr

To



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- 1.The Session Court, Mahalir Neethimandram, Chennai.
- 2.The Inspector of Police, J-3, Guindy Police Station, Chennai.
- 3.The Public Prosecutor, Madras High Court.
- 4.The Superintendent, Central Prison, Puzhal, Chennai.



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D.BHARATHA CHAKRAVARTHY. J.,

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