



Crl.M.P.No.4135 of 2022 in Crl.A.No.352 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.4135 of 2022 in
Crl.A.No.352 of 2022

Mayavan @ Mariyappan

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Petitioner

Versus

State represented by
The Inspector of Police,
Shoolagiri Police Station
Krishnagiri District.

...

Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. to suspend the execution of the sentence against the petitioner/accused by the S.C.No.164 of 2017 on the file of the learned Sessions Judge (Fast Track Mahila Court) Krishnagiri District and enlarge the petitioner on bail, pending disposal of this appeal.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondent : Mr.S.Vinoth Kumar

Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition is filed to suspend the execution of the sentence against the petitioner/accused by the S.C.No.164 of 2017, on the file of the Sessions Judge (Fast Track Mahila Court), Krishnagiri, and enlarge the petitioner on bail, pending disposal of this appeal.



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2.The learned counsel for the petitioner submits that in this case, there was no complaint for a period of about 45 days for the act of committing suicide by the wife and only because the transfer of land which was demanded by PW1 and his family was not acceded to by the appellant/accused, complaint was given under Section 498 (A). He would further submit that even as per the case of the prosecution, no proper evidence has been let in that there was any demand of dowry and harassment thereto soon before the death of the victim and therefore, the offences under Section 304 (b) is not at all made out. He would further submit that the petitioner is in prison from 05.10.2021 and prays for suspension of sentence.

3.Per contra, the learned Government Advocate (Crl.Side) would submit that the prosecution in this case has by evidence of PW1 father and by the other witnesses have categorically proved about the repeated dowry demand and physical and mental torture meted out by the victim. Therefore, the Trial Court has rightly convicted the petitioner.



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4.Considering the nature of allegations, the submissions made by the learned counsel for the petitioner, considering the period of conviction being seven years and the fact that the petitioner is in prison from 05.10.2021 and it may take a while for this Court to dispose of the appeal, I am of the view that this is a fit case for grant of suspension of sentence pending the above appeal. Therefore, I am inclined to suspend the sentence and grant bail to the petitioner 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 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



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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.

5. This Criminal Miscellaneous Petition is ordered accordingly.

29.07.2022

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

To

- 1.The learned Session Judge (Fast Track Mahila Court)
Krishnagiri District.
- 2.The Inspector of Police,
Shoolagiri Police Station
Krishnagiri District.
- 3.The Superintendent, Central Prison, Vellore.
- 4.The Public Prosecutor, High Court of Madras.



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D.BHARATHA CHAKRAVARTHY. J.,

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