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Crl.M.P.No.6326 of 2022
in Crl.A.No.217 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2022

CORAM

THE HONOURABLE MR. JUSTICE **P.N.PRAKASH**
AND
THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

Crl.M.P.No.6326 of 2022
in Crl.A.No.217 of 2022

1.Munirathna

2.Jagadeesh

3.Murugesh

4.Sivakumar

.. Petitioners/AA 1, 3, 5 & 6

Vs.

State represented by
The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.
(Crime No.602/2013)

.. 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 31.12.2021 passed in S.C.No.40 of 2021 on the file of the Sessions Court, (Fast Track Mahila Court), Krishnagiri and to enlarge the petitioners on bail pending disposal of the appeal.

For Petitioners : Mr.R.Thamarai Selvan

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor



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ORDER

(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 31.12.2021 passed in S.C.No.40 of 2021 on the file of the Sessions Court, (Fast Track Mahila Court), Krishnagiri and to enlarge the petitioners on bail pending disposal of the appeal.

2. The petitioners, who were the accused in S.C.No.40 of 2021 before the Sessions Court, (Fast Track Mahila Court), Krishnagiri, were convicted and sentenced as follows on 31.12.2021:

<i>Accused</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Munirathna (A1) Jagadeesh (A3)	Section 302 r/w 109 IPC, each	Life imprisonment and fine of Rs.1,000/-, in default to undergo one year rigorous imprisonment, each.
Murugesh (A5) Sivakumar (A6)	Section 302 IPC, each	Life imprisonment and fine of Rs.1,000/-, in default to undergo one year rigorous imprisonment, each.
The aforesaid sentences were ordered to run concurrently.		



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3. Challenging the above conviction and sentences, the petitioners have filed Crl.A.No.217 of 2022 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.R.Thamarai Selvan, learned counsel for the petitioners and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that the first petitioner (A1) wanted to get rid of her mother in order to usurp her property and therefore, had engaged the services of the co-accused in this case.

6. It is seen that Venkataraj (A2), husband of the first petitioner (A1), died on 23.06.2019 and Muniraj (A4) is a juvenile accused, who has been prosecuted separately. It is also seen that the dead body of the deceased was found with several cut injuries and thereafter, the involvement of the first petitioner (A1) came to light based on the extrajudicial confession given by Muniraj (A4), Muruges (A5) and Sivakumar (A6), third and fourth petitioners herein, respectively.



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7. On a conspectus of the facts and circumstances of the case, we find that there are strong evidence as against the first petitioner (A1) and therefore, we are not inclined to grant suspension of sentence and bail to her. Accordingly, this criminal miscellaneous petition stands **dismissed qua Munirathna (A1), first petitioner herein.**

8. As regards the others petitioners 2 to 4 (AA 3, 5 & 6), we find that there are certain infirmities in the evidence of the prosecution witnesses. The petitioners 2 to 4 (AA 3, 5 & 6) have raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioners 2 to 4 (AA 3, 5 & 6) have been in incarceration since 31.12.2021. In such view of the matter, this Court is of the view that the petitioners 2 to 4 (AA 3, 5 & 6) are entitled to the relief of suspension of sentence and bail.

9. Accordingly, this criminal miscellaneous petition stands **allowed qua the petitioners 2 to 4 (AA 3, 5 & 6)** and the sentence of imprisonment is suspended and bail is granted to the petitioners 2 to 4 (AA 3, 5 & 6) on the following conditions:



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- (i) The petitioners 2 to 4 (AA 3, 5 & 6) shall execute 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, (Fast Track Mahila Court), Krishnagiri;
- (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 Aadhar card or Bank pass Book and mobile number to ensure their identity; and
- (iii) The petitioners 2 to 4 (AA 3, 5 & 6) 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.

(P.N.P.,J.) (R.H.,J.)
05.09.2022

nsd

To

- 1.The Sessions Judge,
(Fast Track Mahila Court), Krishnagiri.
- 2.The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.
- 3.The Superintendent of Prison,
Central Prison,Vellore.
- 4.The Public Prosecutor,
Madras High Court, Chennai – 600 104.



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and
R.HEMALATHA, J.
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