



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.7003 of 2022

in

Crl.A.No.527 of 2022

Madankumar

... Petitioner/Appellant

Versus

The State represented by
The Assistant Commissioner of Police,
Guindy Range,
J-3, Guindy Police Station,
Chennai- 600 032.
Crime No. 1459 of 2015

... Respondent/Complainant

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of the Code of Criminal Procedure to suspend the sentence imposed in judgment dated 16.03.2022 against the petitioner/1st Appellant herein in S.C.No.340 of 2016 (on the file of the Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai) and release the on bail pending disposal of the Crl.A.No.527 of 2022.

For Petitioner : Mr.K.M.Ramesh

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

ORDER

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed in judgment dated 16.03.2022 by the Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai against the petitioner/1st Appellant pending disposal of the Crl.A.No.527 of 2022.

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



3. When the matter is taken up for hearing, learned counsel appearing on behalf of the petitioner submitted that a perusal of the complaint as well as the statement given by the listed witnesses would go to show that the entire allegation was as if the petitioner demanded dowry. But however, it turned out in the RDO enquiry itself that, there was no dowry demand and therefore the petitioner was prosecuted and charged only for the offence under section 306 of IPC. The prosecution has not pinpointedly proved any immediate and proximate overt act on behalf of the petitioner, who has induced the deceased to commit suicide. Therefore, the learned counsel would submit that petitioner has got more than a prima facie case and prays for suspension of sentence.

4. Per Contra, learned Government Advocate (Crl.Side) would submit that, on account of continuous harassment and cruelty made out by the petitioner, victim had ultimately committed suicide and therefore, the trial Court rightly convicted the accused.

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

6. Considering the nature of allegation and also considering that the petitioner is under incarceration from 16.03.2021, I am of the view that this is a fit case where the sentence can be suspended and grant bail 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 under Section 317 of Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of her absence, as directed by the Trial Court.



7. This Criminal Miscellaneous Petition is ordered accordingly.

WEB COPY

-sd/-

16/06/2022

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.

TO

1 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM, ALLIKULAM,
CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

3 ASSISTANT COMMISSIONER OF POLICE,
GUINDY RANGE,
J3, GUINDY POLICE STATION,
CHENNAI-600 032.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.K.BHARATHI Advocate on payment of necessary
charges SR.NO. 9408

Order

in
CRL MP.7003/2022

in
CRL A.527/2022

Date :16/06/2022

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RW-17/06/2022