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Crl.M.P.No.8669 of 20__
in Crl.A.No.651 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

CORAM

THE HONOURABLE MR. JUSTICE **P.N.PRAKASH**
AND
THE HONOURABLE MR. JUSTICE **RMT.TEEKAA RAMAN**

Crl.M.P.No.8669 of 2022
in Crl.A.No.651 of 2022

Madhesan

.. Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Eriyur Police Station,
Dharmapuri District.
(Crime No.181 of 2017)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389 (1) Cr.P.C.,
to suspend the sentence imposed on the petitioner by judgment and order
dated 09.04.2019 passed in S.C.No.3 of 2018 on the file of the Sessions
Court, (Fast Track Mahila Court), Dharmapuri and to enlarge the petitioner
on bail pending disposal of the appeal.

For Petitioner : Mr.A.Sakthivel

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor



Crl.M.P.No.8669 of 20__
in Crl.A.No.651 of 2022

ORDER
(Made by *P.N.PRAKASH, J.*)

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This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 09.04.2019 passed in S.C.No.3 of 2018 on the file of the Sessions Court, (Fast Track Mahila Court), Dharmapuri and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who was an accused in S.C.No.3 of 2018 before the Sessions Court, (Fast Track Mahila Court), Dharmapuri, was convicted and sentenced as follows on 09.04.2019:

<i>Provision under which convicted</i>	<i>Sentence</i>
Section 302 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo three months simple imprisonment.

3. Challenging the above conviction and sentence, the petitioner has filed Crl.A.No.651 of 2022 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.A.Sakthivel, learned counsel for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.



Crl.M.P.No.8669 of 20__
in Crl.A.No.651 of 2022

5. It is the case of the prosecution that the petitioner suspected the fidelity of his second wife *viz.* Madhammal and cut her hands on 14.08.2017 resulting in her death.

6. The present appeal has been filed in the year 2022 with a delay of 275 days, which has been condoned by this Court *vide* order dated 28.06.2022 in Crl.M.P.No.8033 of 2022 in Crl.A.No.SR25050 of 2022.

7. It is seen that the petitioner is aged about seventy years. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration since 09.04.2019. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

8. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioner on the following conditions:

- (i) The petitioner 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), Dharmapuri;



Crl.M.P.No.8669 of 20__
in Crl.A.No.651 of 2022

- (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 petitioner 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 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.

(P.N.P.,J.) (TKRJ)
22.09.2022

nsd



Crl.M.P.No.8669 of 20__
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To

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



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Crl.M.P.No.8669 of 20__
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P.N.PRAKASH, J.
and
RMT.TEEKAA RAMAN, J.
nsd

Crl.M.P.No.8669 of 2022
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22.09.2022