



Crl.M.P.No.10282 of 2022
in Crl.A.No.764 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM

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

Crl.M.P.No.10282 of 2022
in Crl.A.No.764 of 2022

Chinnarasu

..Petitioner/Accused - 2

Vs.

State represented by
The Inspector of Police,
Jeyankondam Police Station,
Ariyalur District.
(Crime No.105 of 2018)

..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 07.04.2022 passed in S.C.No.62 of 2020 on the file of the Principal District and Sessions Court, Ariyalur and to enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Ms.S.Nadhiya

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 petitioner by judgment and order dated 07.04.2022 passed in S.C.No.62 of 2020 on the file of the Principal District and Sessions Court, Ariyalur and to enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner, who faced trial along with Jeyanthi (A1) in S.C.No.62 of 2020 before the Principal District and Sessions Court, Ariyalur, was convicted and sentenced as follows on 07.04.2022:

<i>Provision under which convicted</i>	<i>Sentence</i>
Section 449 r/w 34 IPC	Ten years rigorous imprisonment.
Section 302 r/w 34 IPC	Life imprisonment.
Section 392 r/w 34 IPC	Ten years rigorous imprisonment.
The aforesaid sentences were ordered to run concurrently.	

3. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.764 of 2022 along with the instant miscellaneous petition seeking suspension of sentence and bail, pending disposal of the appeal.



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

5. When the matter came up before us, we observed that Jeyanthi (A1) had not filed any appeal. Therefore, on 14.10.2022, we passed the following order:

“Pursuant to our order dated 26.09.2022 in Crl.M.P.No.10282 of 2022 in Crl.A.No.764 of 2022, the Superintendent, Central Prison, Tiruchirappalli, produced Jeyanthi (A1) via video conferencing and when we interviewed her, she stated that she has five sons and none of them had come to the prison to see her after she was convicted. We appraised of her entitlement to free legal aid through High Court Legal Services Authority and when we offered legal assistance, she accepted the same.

2. *Therefore, we direct the Secretary, High Court Legal Services Authority, to nominate Mr.T.Shanmugam (Enrollment No.1004/2005) as legal-aid counsel to take up the case of Jeyanthi (A1), who is presently lodged in the Special Prison for Women, Tiruchirappalli, for filing an appeal challenging the conviction and sentence in S.C.No.62 of 2020 on the file of the Principal District and Sessions Court, Ariyalur.*

Post the matter on 02.11.2022.”



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6. It is the case of the prosecution that the body of one Bharathi was found with stab injuries inside her house, in which, a case was registered and investigation was taken up. One and a half years later, on 12.12.2019, Jeyanthi (A1) and the petitioner were arrested and based on their police confession, some material objects were said to have been recovered.

7. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration since 07.04.2022. 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 Principal District and Sessions Court, Ariyalur;
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may



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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)
02.11.2022

nsd

To

- 1.The Principal District and Sessions Judge,
Ariyalur.
- 2.The Inspector of Police,
Jeyankondam Police Station,
Ariyalur District.
- 3.The Superintendent of Prison,
Central Prison, Tiruchirapalli.
- 4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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P.N.PRAKASH, J.
and
RMT.TEEKAA RAMAN, J.
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