



Crl.M.P.No.7595 of 2022  
in Crl.A.No.567 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2022

CORAM

The Honourable Mr. Justice **S.VAIDYANATHAN**  
and  
The Honourable Mr. Justice **A.D.JAGADISH CHANDIRA**

Crl.M.P.No.7595 of 2022  
in Crl.A.No.567 of 2022

Anitha .. Petitioner/Accused

Vs.

State represented by  
The Inspector of Police,  
Pappireddipatti Police Station,  
Dharmapuri District.  
(Crime No.299 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 dated 14.03.2022 passed in S.C.No.34 of 2020 on the file of the Additional District and Sessions Court, Dharmapuri and to enlarge the petitioner on bail pending disposal of the above appeal.

For petitioner : Mr.M.Rajasekar

For Respondent : Mr.M.Babu Muthumeeran  
Additional Public Prosecutor



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### **ORDER**

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This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment dated 14.03.2022 passed in S.C.No.34 of 2020 on the file of the Additional District and Sessions Court, Dharmapuri and to enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner, who was an accused in S.C.No.34 of 2020 before the Additional District and Sessions Court, Dharmapuri, was convicted and sentenced as follows on 14.03.2022:

| <i><b>Accused</b></i> | <i><b>Provision under which convicted</b></i> | <i><b>Sentence</b></i>                                                                                        |
|-----------------------|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| Anitha                | Section 302 IPC                               | Rigorous imprisonment for life and fine of Rs.5,000/-, in default to undergo two years rigorous imprisonment. |

3. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.567 of 2022 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.M.Rajasekar, learned counsel for the petitioner and Mr.M.Babu Muthumeeran, learned Additional Public Prosecutor appearing for the respondent/State.



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5. The case of the prosecution is that the deceased Ajithkumar had illicit intimacy with the petitioner earlier and later, the petitioner had severed her relationship with Ajithkumar. It is the further case of the prosecution that on a fateful day i.e. on 10.11.2018, when nobody was in the house of the petitioner, Ajithkumar had gone into the house of the petitioner and there ensued a quarrel, during which, the petitioner had strangled Ajithkumar with her dupatta and also dropped grinding stone on his chest, resulting in his death.

6. After completing the investigation, the respondent/police has filed a final report against the petitioner for the offences under Sections 201 and 302 IPC.

7. The trial Court, after considering the evidence on record and hearing either side, found “guilty” and convicted and sentenced the petitioner as above.

8. The learned counsel for the petitioner would submit that it is the admitted case of the prosecution that the petitioner and the deceased Ajithkumar were earlier having illicit intimacy and the petitioner had severed

her relationship with Ajithkumar and on the fateful day, Ajithkumar had



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trespassed into the house of the petitioner and attempted to molest her, during which, the incident had taken place. He would further submit that Ajithkumar has attempted to outrage the modesty of the petitioner and the incident had happened while exercising the right of private defence. It is his further submission that the Investigating Officer himself has admitted that the petitioner had acted in exercise of private defence as Ajithkumar had attempted to rape her and threatened to kill her. However, the trial Court had disbelieved the Investigating Officer. He would further submit that the petitioner has good case at hand and raised valid grounds in the appeal and thereby, prayed for suspension of sentence and bail.

9. The learned Additional Public Prosecutor would submit that the body of Ajithkumar was recovered from the house of the petitioner and no explanation has been given by the petitioner with regard to the same. He opposed for grant of suspension of sentence and bail to the petitioner.

10. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration since 14.03.2022. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that

the petitioner is entitled to the relief of suspension of sentence and bail.



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11. 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, each for a like sum to the satisfaction of the Additional District and Sessions Court, Dharmapuri;
- (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 numbers to ensure their identity;
- (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 she is not able to appear before the trial Court on any day, she 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 her absence, as directed by the trial Court;
- (iv) The petitioner shall furnish her mobile number, which shall not be changed till the issue comes to a logical conclusion and permanent residential address to the police and the trial Court. The petitioner is permitted to change the portability and not the mobile number; and



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- (v) Till the disposal of the above appeal, the petitioner shall not leave Tamil Nadu without the permission of the trial Court. In case, permission is granted, the petitioner shall furnish the place where she is going to reside and the contact person details viz. aadhar card, mobile number, etc. that are required by the trial Court.

**(S.V.N., J.) (A.D.J.C., J.)**  
**20.07.2022**

nsd



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- To
- 1.The Additional District and Sessions Judge,  
Dharmapuri.
  - 2.The Inspector of Police,  
Pappireddipatti Police Station,  
Dharmapuri District.
  - 3.The Superintendent of Prison,  
Special Prison for Women,  
Coimbatore.
  - 4.The Public Prosecutor,  
Madras High Court,  
Chennai – 600 104.



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**S.VAIDYANATHAN, J.**  
and  
**A.D.JAGADISH CHANDIRA, J.**

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