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Crl.M.P.No.10419 of 2022 in Crl.A.No.776 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.10419 of 2022
in Crl.A.No.776 of 2022

Ambika

... Petitioner

Versus

State rep. by
The Inspector of Police,
Uthanapalli Police Station,
Krishnagiri District.
Crime No.49 of 2019.

... Respondent

Prayer: Criminal Miscellaneous Petition is filed under Section 389(ii) of the Code of Criminal Procedure, pleaded to suspend the sentence imposed by the Session Judge, Fast Track Mahila Court, Krishnagiri by its Judgment dated 21.03.2022 in S.C.No.155 of 2019 and enlarge the appellant on bail.

For Petitioner : Mr.S.Shankar

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



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ORDER

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the Session Judge, Fast Track Mahila Court, Krishnagiri by its Judgment dated 21.03.2022 in S.C.No.155 of 2019 and enlarge the appellant on bail.

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

3. At the outset, the learned Counsel for the petitioner would submit that the trial Court has punished the petitioner with a maximum imprisonment of 5 years Rigorous Imprisonment. He further submitted that the petitioner is in jail from 21.03.2022 and prays that the petitioner being a lady, with no other bad antecedents, may be considered for grant of bail.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner has been rightly convicted in this case. But, however, he would confirm the fact that there are no other bad antecedents as against



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the petitioner.

5. Considered the rival submission made on either side and perused the materials records of this case. Considering the period of sentence imposed by the trial Court and considering the fact that the petitioner is in jail from 21.03.2022, I am of the view that the petitioner being a lady, is entitled for suspension of sentence pending disposal of the appeal. Therefore, I am inclined to suspend the sentence and grant bail to the petitioner on the following conditions:-

(a) the petitioner is ordered to be released on bail, on her 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



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working day of every English Calendar Month at 10.30 A.M until the disposal of the Criminal 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 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.

6. This Criminal Miscellaneous Petition is ordered accordingly.

17.08.2022

Index : yes/no

Speaking order/Non-speaking order

rgi



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1. The Sessions Judge, Fast Track Mahila Court,
Krishnagiri.
2. The Superintendent of Police,
Mahila Prison,
Coimbatore.
3. The Inspector of Police,
Uthanapalli Police Station,
Krishnagiri District.
4. The Public Prosecutor,
High Court of Madras.

D.BHARATHA CHAKRAVARTHY. J.,



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