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Crl.M.P.No.10411 of 2022
in Crl.A.No.773 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDER RESERVED ON : 21.09.2022

ORDER PRONOUNCED ON : 28.09.2022

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE RMT. TEEKAA RAMAN

Crl.M.P.No.10411 of 2022
in
Crl.A.No.773 of 2022

Sundarraaj
S/o.Murugan

.. Petitioner

Vs.

1.State represented by
The Deputy Superintendent of Police,
Thiruvannamalai Circle,
Thiruvannamalai East Police Station,
Thiruvannamalai District.

2.State represented by
The Inspector of Police,
Thiruvannamalai East Police Station,
Thiruvannamalai District.
Crime No.104 of 2021

3.G.Vinoth
S/o.Ganesan

.. Respondents



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Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. praying to suspend the sentence imposed against the petitioner in Spl.S.C.No.17 of 2021 dated 12.11.2021 by the learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act Cases, Thiruvannamalai District.

For Petitioner : Mr.C.D.Johnson

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor [R1 & R2]

ORDER

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 12.11.2021 passed in Special S.C.No.17 of 2021 on the file of the Sessions Court, Special Court for trial of cases under SC/ST (POA) Act Cases, Thiruvannamalai District and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner/accused in Special S.C.No.17 of 2021 on the file of the Sessions Court, Special Court for trial of cases under SC/ST (POA) Act



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Cases, Thiruvannamalai District, was convicted and sentenced as follows on 12.11.2021:

<i>Provision under which convicted</i>	<i>Sentence</i>
Section 306 IPC	Ten years rigorous imprisonment and fine of Rs.5,000/-, in default to undergo two months simple imprisonment.
Section 3(2)(v) of SC/ST (POA) Act, 1989 (amended Act 2015)	Life imprisonment and fine of Rs.25,000/-, in default to undergo two months simple imprisonment.

The aforesaid sentences were ordered to run concurrently.

3. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.773 of 2022 and the petitioner is seeking suspension of sentence and bail in the present petition.

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

5. It is the case of the prosecution that the petitioner and Vinodha



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[deceased] were in love with each other. However, when Vinodha insisted for marriage, the petitioner refused to marry her, on account of which, she committed suicide on 06.03.2021 for which, the petitioner has been convicted and sentenced as stated above.

6. It is seen that Vinoth [PW-1], the brother of Vinodha, has stated that the petitioner used to frequently come to his house and also partake food. It is the specific case of the petitioner that he is 37 years old and Vinodha was hardly 22 years old, that is why, the petitioner was not accepting her love, whereas, Vinodha was madly in love with the petitioner and wanted to marry him and only for these reasons, the petitioner had not agreed for the marriage and not for any other reason as alleged by the prosecution.

7. Siva Prakasam [PW-7] has stated that he was informed by the police that Vinodha committed suicide as she was on a one-way love with the accused. It is further seen that after the suicide of Vinodha, there was an



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agitation by some people for arresting the petitioner about which, Murthy [PW-3] has spoken.

8. Taking into consideration the aforesaid aspects and the fact that the petitioner is in incarceration from 12.11.2021, we are inclined to grant suspension of sentence and bail and accordingly, release the petitioner on bail.

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 surrender before the trial Court within 10 days from today and 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, Special Court for trial of cases under SC/ST (POA) Act Cases, Thiruvannamalai District;
- (ii) The petitioner and the sureties shall affix their photographs and Left



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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; 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.

[PNP, J.] [TKR, J.]
28.09.2022

Index: Yes/No
gm



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To

- 1.The Sessions Judge,
Special Court for trial of cases
under SC/ST (POA) Act Cases,
Thiruvannamalai District.
- 2.The Deputy Superintendent of Police,
Thiruvannamalai Circle,
Thiruvannamalai East Police Station,
Thiruvannamalai District.
- 3.The Inspector of Police,
Thiruvannamalai East Police Station,
Thiruvannamalai District.
- 4.The Public Prosecutor,
High Court, Madras.

P.N.PRAKASH, J
and



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RMT. TEEKAA RAMAN, J

gm

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