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Crl.M.P.No.12758 of 20__
in Crl.A.No.914 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

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

Crl.M.P.No.12758 of 2022
in Crl.A.No.914 of 2022

Anandhan

.. Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Thimiri Police Station,
Thimiri, Vellore District.
(Crime No.307 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 10.10.2019 passed in S.C.No.140 of 2018 on the file of the Sessions Court, (Fast Track Mahila Court), Vellore District and to enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.V.Rajamohan

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 10.10.2019 passed in S.C.No.140 of 2018 on the file of the Sessions Court, (Fast Track Mahila Court), Vellore District and to enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner, who was an accused in S.C.No.140 of 2018 before the Sessions Court, (Fast Track Mahila Court), Vellore District, was convicted and sentenced as follows on 10.10.2019:

<i>Provision under which convicted</i>	<i>Sentence</i>
Section 302 IPC	Life imprisonment and fine of Rs.1,000/-, in default to undergo three months rigorous imprisonment.
Section 498-A IPC	One year rigorous imprisonment and fine of Rs.500/-, in default to undergo one month rigorous imprisonment.
The aforesaid sentences were ordered to run concurrently.	

3. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.914 of 2022 along with the instant miscellaneous petition seeking suspension of sentence and bail.



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4. Heard Mr.V.Rajamohan, 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 on account of a wordy quarrel between the petitioner and his wife Indhirani, the petitioner is said to have taken a wooden log and assaulted his wife, which proved fatal.

6. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration since 10.10.2019. Further, the appeal is not likely to be taken up in the near future. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7. 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,



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(Fast Track Mahila Court), Vellore District;

- (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)
19.10.2022

nsd



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To

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



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

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19.10.2022