



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.M.P.No.11463 of 2021

in

Crl.A.No.530 of 2021

Vediyappan

... petitioner

..Vs..

State Represented by
The Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri District,
(Crime No.213 of 2016).

... Respondent

PRAYER: Criminal Miscellaneous petition filed under Section 381 (1) r/w 439 of Cr.P.C, to suspend the sentence imposed against the petitioner in S.C.No.112 of 2019 on the file of the learned Sessions Judge, Fast Track Magalir Neethimandram, Krishnagiri, Krishnagiri District dated 28.09.2021 and enlarge the petitioner on bail pending disposal of the said Crl.A.No.530 of 2021.

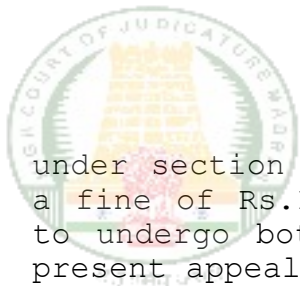
For petitioner : Mr.E.Kannadasan

For Respondent : Mr.S.Sugendran,
learned Government Advocate (crl.side)

ORDER

This Criminal Miscellaneous Petition has been filed to to suspend the sentence imposed against the petitioner in S.C.No.112 of 2019 on the file of the learned Sessions Judge, Fast Track Magalir Neethimandram, Krishnagiri, Krishnagiri District dated 28.09.2021 and enlarge the petitioner on bail pending disposal of the said Crl.A.No.530 of 2021.

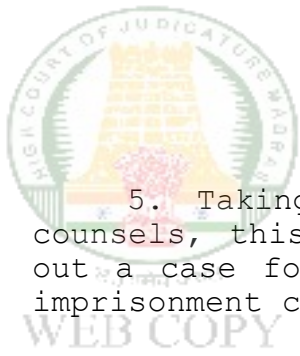
2.In and by the judgment of the trial court, the Petitioner/accused was convicted for the offence under section 452 of IPC and sentenced to undergo 5 years R.I. with a fine of Rs.1,000/- and in default to undergo 6 months R.I. and convicted for the offence



under section 326(A) of IPC, sentenced to undergo 10 years R.I. with a fine of Rs.1,000/- in default to undergo 2 years S.I. and ordered to undergo both the punishments concurrently and against which, the present appeal has been filed.

3. Learned counsel appearing for the petitioner would submit that the Trial Court without taking into consideration the material contradictions in the evidence of the witnesses, had found the petitioner guilty under surmises and conjectures. As per the Ex.P1, victim has stated that accused is not known and thereafter, even in the evidence in Court, she had stated that she had not seen the person who had spilt acid on her and that she confirmed the accused only after the intimation was given to her by the police and she has also categorically held that only based on the information given by the police, she had fixed the accused. The mother of the victim who was examined as PW1, has also stated that she suspected that the petitioner had spilt acid on her daughter since she has refused to give marriage her daughter with the petitioner. He would further submit that there are arguable points available in the Criminal Appeal Case, which is not likely to be taken for final hearing in the near future and the Petitioner/accused has got a fair chance of succeeding in the Criminal Appeal Case. He would further submit that the petitioner was in custody from 28.09.2021 and hence, the sentence imposed against the Petitioner/accused may be suspended and enlarged on bail. Learned counsel would further submit that the victim was alleged to have been taken for treatment immediately to PW10-Doctor and thereafter, she was alleged to have taken treatment at Bangalore. None of the medical records were marked and it is admitted by PW10 also. He would further submit that the prosecution has not come out with the definite charge against the petitioner and that the prosecution has projected two motives, one that there was a dispute between the father of the victim and the petitioner with regard to a common wall and during the course of the trial, different motive was projected as if the petitioner had enmity, since the victim's family refused to give her in marriage to the petitioner.

4. Mr.S.Sugendran, learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioner and the victim are neighbours belonging to Kuchipalayam Village and there was enmity with regard to the common wall and further, the family of the victim had refused to give the victim marriage to the petitioner. Pursuant to it, on 13.07.2016 while the victim was sleeping in the veranda of her house along with her grandfather, the petitioner had trespassed the house and spilled acid on her bedsheet and caused injuries to the victim. However, he would submit that the name of the petitioner is not stated in the F.I.R.



5. Taking into consideration submissions made by the learned counsels, this court is of the opinion that the petitioner has made out a case for grant of suspension of sentence and the sentence of imprisonment can be suspended on certain conditions.

6. Accordingly, till the disposal of the Criminal appeal, the reliefs of suspension of sentence and bail are granted to the petitioner/accused, on the following conditions :-

- i. The petitioner is ordered to be released on bail on condition to execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the concerned prison/Jailor concerned, in which the petitioner has been confined and thereafter, on his release, the petitioner shall furnish two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Krishnagiri within 15 days from the date of commencement of the court's normal functioning, failing which the bail granted by this court shall be dismissed automatically and on further condition that:
- ii. The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

7. The Criminal Miscellaneous Petition is ordered accordingly.

-sd/-
27/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE,
FAST TRACK MAGALIR NEETHIMANDRAM,
KRISHNAGIRI, KRISHNAGIRI DISTRICT.

2 THE JUDICIAL MAGISTRATE,
NO.II, KRISHNAGIRI.



2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

4 THE INSPECTOR OF POLICE,
GURUBARAPALLI POLICE STATION,
KRISHNAGIRI DISTRICT

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLOR.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.E.KANNADASAN Advocate on payment of necessary
charges SR.NO.1231

Order

in
CRL MP.11463/2021
in
CRL.A.530/2021

Date :27/01/2022

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

JPA 28/01/2022