



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.M.P.No.12143 of 2021

in CrI.A.No.588 of 2021

Guru

... Petitioner

Vs.

The State of Tamil Nadu,

... Respondent

Represented by,

The Inspector of Police,

Tiruvannamalai Town Police Station,

Tiruvannamalai District.

(Crime No.315 of 2014)

PRAYER: The Criminal Miscellaneous Petition is filed under Section 389(2) of the Code of Criminal Procedure, pleaded to suspend the sentence imposed upon the petitioner by the learned Fast Track Mahila Judge, Tiruvannamalai made in S.C.No.86 of 2015 by a Judgment dated 17.02.2020 and release him on bail.

For Petitioner : Mr.M.R.Thangavel

For Respondent : Mr.S.Sugendran
Addl. Public Prosecutor

ORDER

(This case has been heard through Video Conferencing)

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence of imprisonment, imposed against the petitioner in S.C.No.86 of 2015 dated 17.02.2020 by the learned Fast Track Mahila Judge, Tiruvannamalai.

2. In and by the judgment of the Trial court, the petitioner was found guilty and convicted and sentenced for 3 years Rigorous imprisonment for the offence under Section 498 (A) IPC and 7 years



Rigorous imprisonment for the offence under Section 307 IPC, against which, the present Criminal Appeal has been filed.

3. Learned counsel appearing for the petitioner/appellant would submit that it is the case of matrimonial dispute and other than the evidence of PW1, there is no other reliable witness to the occurrence. Admittedly, it is the case of love marriage. He would further submit that the petitioner was on bail during the trial and thereafter, after conviction from 23.04.2019, he is in prison for almost two years and nine months.

4. The counsel for the petitioner would further submit that the petitioner / appellant has got a fair chance of succeeding in the Criminal Appeal. There are arguable points available in the Criminal Appeal and the appeal is not likely to be taken for final hearing in the near future and the petitioner is ready to abide by any stringent condition imposed on him by this Court and he would pray the sentence imposed against the petitioner/appellant may be suspended and the petitioner may be enlarged on bail.

5. Mr.S.Sugendran, learned Additional Public Prosecutor, would submit that during the matrimonial dispute, the petitioner had attempted to murder his wife by strangulating her by saree. The prosecution has examined PW1 to PW9 and marked Ex.P1 to Ex.P8 along with M.O.1, Orange colour nylon saree. The Trial Court, had rightly found the petitioner/appellant guilty and convicted and sentenced him as stated above.

6. Heard the learned counsel and perused the materials on record.

7. Taking into consideration, the materials available on record, this Court is of the opinion that the petitioner had made out the case for grant of bail. Accordingly, till the disposal of the Criminal Appeal, suspension of sentence and bail are granted, on the following conditions:-

(a) Accordingly, the petitioner/appellant is ordered to be released on bail on condition to execute his own bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** before the Superintendent of the concerned prison/Jailor concerned, in which the appellant has been confined and thereafter, on his release, the petitioner/Appellant shall execute two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tiruvannamalai, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically and on further conditions that:



(b) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

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(c) The petitioner/appellant shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 am., until further orders.

8. The Criminal Miscellaneous Petition is ordered accordingly.

-sd/-

04/02/2022

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 FAST TRACK MAHILA JUDGE,
TIRUVANNAMALAI.

2 THE JUDICIAL MAGISTRATE,
NO.I, TIRUVANNAMALAI.

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.



Copy To:

THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

+1 C.C. to M/S M.R.THANGAVEL Advocate on payment of necessary
charges SR.NO.1968

Order

in
CRL MP.12143/2021

in
CRL A.588/2021

Date :04/02/2022

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TA-04/02/2022