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CrI.M.P.No.15041 of 2022
in CrI.A.No.180 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

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

CrI.M.P.No.15041 of 2022
in CrI.A.No.180 of 2020

Madi @ Selladurai

.. Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Mohanur Police Station,
Namakkal District.
(Crime No.84 of 2014)

.. 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 13.01.2020 passed in S.C.No.103 of 2017 on the file of the Sessions
Court, (Fast Track Mahila Court), Namakkal District and to enlarge the
petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.S.Parameswaran

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor



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ORDER
(Made by *P.N.PRAKASH, J.*)

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This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 13.01.2020 passed in S.C.No.103 of 2017 on the file of the Sessions Court, (Fast Track Mahila Court), Namakkal District and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who was an accused in S.C.No.103 of 2017 before the Sessions Court, (Fast Track Mahila Court), Namakkal District, was convicted and sentenced as follows on 13.01.2020:

<i>Provision under which convicted</i>	<i>Sentence</i>
Section 302 IPC	Life imprisonment and fine of Rs.1,000/-, in default to undergo six months rigorous imprisonment.

3. Challenging the above conviction and sentence, the petitioner has filed Crl.A.No.180 of 2020 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.S.Parameswaran, 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 deceased Maheswari was

the wife of the petitioner; they have a son by name Hariharan; on account of marital discord, Maheswari and the petitioner got estranged and Maheswari was living in her natal home, whereas, Hariharan was brought up by the petitioner; on 19.02.2014, Maheswari wanted to see Hariharan and therefore, the petitioner took Hariharan to a common place for Maheswari to see him; at that time, a quarrel ensued between the spouses, as Maheswari wanted the custody of Hariharan; in that quarrel, it is alleged that the petitioner whipped out a knife and attacked Maheswari.

6. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration since 13.01.2020. 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



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Sessions Court, (Fast Track Mahila Court), Namakkal
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)
14.10.2022

nsd



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To

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



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