



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

CrI.M.P.No.13306 of 2021

in CrI.A.No.651 of 2021

K.Valarmathi

.. Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Bhavani Police Station,
Erode District.
(Crime No.415/2017)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 374(2) Cr.P.C., to suspend the sentence imposed on the petitioner by judgment and order dated 07.03.2020 passed in S.C.No.49 of 2019 on the file of the IV Additional District and Sessions Court, Erode District, Bhavani and to enlarge the petitioner on bail pending disposal of the appeal.

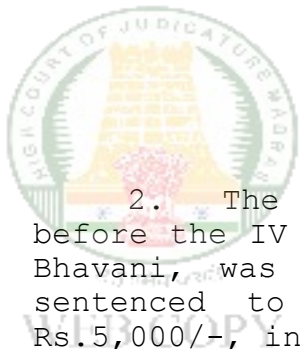
For petitioner : Mr.Ashwin
for Mr.Deepan Uday

For Respondent: Mr.R.Muniyapparaj
Additional Public Prosecutor

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 07.03.2020 passed in S.C.No.49 of 2019 on the file of the IV Additional District and Sessions Court, Erode District, Bhavani and to enlarge the petitioner on bail pending disposal of the appeal.



2. The petitioner, who was an accused in S.C.No.49 of 2019 before the IV Additional District and Sessions Court, Erode District, Bhavani, was convicted of the offence under Section 302 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.5,000/-, in default to undergo three months simple imprisonment.

3. Challenging the above conviction and sentence, the petitioner has filed Crl.A.No.651 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.Ashwin, learned counsel representing Mr.Deepan Uday, learned counsel on record 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 Kumarasamy @ Kumar developed an affair with the petitioner, who was already estranged from her husband and living with a girl child; while Kumar and the petitioner were living together, Kumar appears to have developed intimacy with another lady Rubini, which was resented to by the petitioner; in this regard, a quarrel ensued between the petitioner and Kumar on 25.07.2017, in which, the petitioner is said to have assaulted Kumar with a stick resulting in his death.

6. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration since 07.03.2020. In such view of the matter, 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 IV Additional District and Sessions Court, Erode District, Bhavani;

(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 respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, 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 she is not able to appear before the trial Court on any day, she 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 her absence, as directed by the trial Court.

-sd/-

31/01/2022

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 IV ADDITIONAL DISTRICT AND SESSIONS JUDGE,
ERODE DISTRICT, BHAVANI.

2 THE INSPECTOR OF POLICE,
BHAVANI POLICE STATION,
ERODE DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.DEEPAN UDAY Advocate on payment of necessary charges

Order
in
CRL MP.13306/2021
in
CRL.A.651/2021
Date :31/01/2022

From 7.2.2001 the Registry is issuing certified
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CSK 01/02/2022