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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2022

CORAM

THE HONOURABLE MR. JUSTICE **P.N.PRAKASH**

AND

THE HONOURABLE Ms. JUSTICE **R.N.MANJULA**

CrI.M.P.No.13838 of 2021

in CrI.A.No.246 of 2021

Selvarani

.. Petitioner/Accused No.1

Vs.

State represented by
The Inspector of Police,
Bhavanisagar Police Station,
Erode District.
(Crime No.302 of 2016)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) r/w 439 Cr.P.C., to suspend the sentence imposed on the petitioner by judgment and order dated 27.11.2019 passed in S.C.No.40 of 2019 on the file of the III Additional District and Sessions Court, Erode @ Gopichettipalayam and to enlarge the petitioner on bail, pending disposal of the appeal.

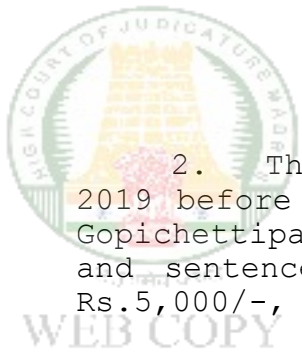
For Petitioner : Mr.E.Kannadasan

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 27.11.2019 passed in S.C.No.40 of 2019 on the file of the III Additional District and Sessions Court, Erode @ Gopichettipalayam and to enlarge the petitioner on bail, pending disposal of the appeal.



2. The petitioner, who was the first accused in S.C.No.40 of 2019 before the III Additional District and Sessions Court, Erode @ Gopichettipalayam, 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 one year simple imprisonment.

3. Challenging the above conviction and sentence, the petitioner (A1) has filed CrI.A.No.246 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.E.Kannadasan, learned counsel for the petitioner (A1) and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that the petitioner (A1) was married to one Siva @ Sivadoss and thereafter, she got estranged from him and started a live in relationship with the deceased Duraimurugavel. It is alleged that the petitioner (A1) is said to have developed intimacy with Raju (A2), which was not in the liking of Duraimurugavel. It is the further case of the prosecution that the petitioner (A1) had mixed sleeping tablets in the liquor of Duraimurugavel and Raju (A2) had committed the murder of Duraimurugavel by hanging.

6. This case is purely based on circumstantial evidence. The prosecution case is based on the alleged conversation between the petitioner (A1) and Raju (A2), which was overheard by the witness, who was not examined.

7. The petitioner (A1) has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner (A1) has been in incarceration from 27.11.2019. In such view of the matter, this Court is of the view that the petitioner (A1) is entitled to the relief of suspension of sentence and bail.

8. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioner (A1) on the following conditions:

- (i) The petitioner (A1) 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 III Additional District and Sessions Court, Erode @ Gopichettipalayam;
- (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 numbers to ensure their identity; and



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(iii) The petitioner (A1) 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/-
11/01/2022

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 III ADDITIONAL DISTRICT AND SESSIONS
JUDGE, ERODE, GOPICHETTIPALAYAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
BHAVANISAGAR POLICE STATION,
ERODE DISTRICT.

4 THE SPECIAL PRISON FOR WOMEN,
CENTRAL PRISON, COIMBATORE.

+1 C.C. to M/S.E.KANNADASAN Advocate on payment of necessary
charges SR.NO.802

Order

in
CRL MP.13838/2021
in
CRL A.246/2021

Date :11/01/2022

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

TA-21/01/2022