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Crl.M.P.Nos.14048 of 2021 and 4332 of 2022
in Crl.A.No.433 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2022

CORAM

THE HONOURABLE MR. JUSTICE **P.N.PRAKASH**
AND
THE HONOURABLE MR. JUSTICE **A.A.NAKKIRAN**

Crl.M.P.Nos.14048 of 2021 and 4332 of 2022
in Crl.A.No.433 of 2021

1.Palaniammal @ Kannammal

2.Ramya .. Petitioners/Accused 2 & 3
in Crl.M.P.No.14048 of 2021

1.Darmaraj

2.Suthakar .. Petitioners/Accused 5 & 6
in Crl.M.P.No.4332 of 2022

Vs.

State represented by
The Inspector of Police,
Kadathur Police Station,
Erode District.
(Crime No.87 of 2019)

.. Respondent/Complainant
in both petitions

Common Prayer: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C., to suspend the sentence imposed on the petitioners by judgment and order dated 10.08.2021 passed in S.C.No.80 of 2019 on the file of the III Additional District and Sessions Court, Erode at Gobichettipalayam and to enlarge the petitioners on bail pending disposal of the appeal.



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For Petitioners
in both petitions : Mr.C.Iyyapparaj
For Respondent
in both petitions : Mr.R.Muniyapparaj
Additional Public Prosecutor

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

These criminal miscellaneous petitions have been filed seeking to suspend the sentence imposed on the petitioners by judgment and order dated 10.08.2021 passed in S.C.No.80 of 2019 on the file of the III Additional District and Sessions Court, Erode at Gobichettipalayam and to enlarge the petitioners on bail pending disposal of the appeal.

2. The petitioners faced a trial in S.C.No.80 of 2019 along with Chinraj (A1) and Balraj (A4), in which, they have been convicted and sentenced on 10.08.2021 by the learned III Additional District and Sessions Judge, Erode at Gobichettipalayam, as under:

<i>Accused</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Palaniammal @ Kannammal (A2) and Ramya (A3)	Section 147 IPC, each	Fine of Rs.1,000/-, in default to undergo six month simple imprisonment, each.
	Section 148 IPC, each	Fine of Rs.2,000/-, in default to undergo six months simple imprisonment, each.
	Section 302 r/w 34 IPC, each	Life imprisonment and fine of Rs.5,000/-, in default to undergo one year simple imprisonment, each.



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<i>Accused</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Darmaraj (A5) and Suthakar (A6)	Section 147 IPC, each	Fine of Rs.1,000/-, in default to undergo six month simple imprisonment, each.
	Section 302 r/w 34 IPC, each	Life imprisonment and fine of Rs.5,000/-, in default to undergo one year simple imprisonment, each.
	Section 342 IPC, each	Fine of Rs.1,000/-, in default to undergo six month simple imprisonment, each.
The aforesaid sentences were ordered to run concurrently.		

3. Challenging the above conviction and sentences, the petitioners along with the said Chinraj (A1) and Balraj (A4) have filed Crl.A.No.433 of 2021 and in Crl.M.P.No.14048 of 2021, suspension of sentence and bail is being sought by Palaniammal @ Kannammal (A2) and Ramya (A3) and in Crl.M.P.No.4332 of 2022, suspension of sentence and bail is being sought by Darmaraj (A5) and Suthakar (A6).

4. Heard Mr.C.Iyyapparaj, learned counsel for the petitioners and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that Chinraj (A1) is the husband of Palaniammal @ Kannammal (A2); Ramya (A3) is the daughter of Chinraj (A1) and Palaniammal @ Kannammal (A2); Balraj (A4) is the husband of



Ramya (A3); Darmaraj (A5) and Suthakar (A6) are close relatives of Balraj (A4).

6. According to the prosecution, the family of the accused had borrowed a sum of Rs.1,800/- from the deceased Senthil and when Senthil demanded the return of the amount, a wordy quarrel ensued, pursuant to which, it is alleged that the accused had attacked Senthil and caused his death.

7. A reading of the trial Court judgment shows that the defence had produced the evidence to show that Senthil had several criminal cases against him by examining Gandhimathi (DW1), Inspector of Police and marked exhibits D1 to D7. That apart, one of the accused Balraj (A4) himself examined as a defence witness to demonstrate that the family of the accused were not involved in the offence at all and on account of the bad antecedents of Senthil, he was murdered near the road and on account of some protest by his family members, the present case has been foisted on the accused herein.

8. The learned Additional Public Prosecutor submitted that there are no previous cases against the petitioners.



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9. The petitioners have raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioners have been in incarceration since 10.08.2021. In such view of the matter, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence and bail.

10. Accordingly, these criminal miscellaneous petitions stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioners on the following conditions:

- (i) The petitioners shall be released on bail on they executing 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 III Additional District and Sessions Court, Erode at Gobichettipalayam.;
- (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 mobile number, Aadhar card or Bank pass Book to ensure their identity; and



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- (iii) The petitioners (AA 4 and 5) 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 they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.

(P.N.P.,J.) (A.A.N.,J.)
08.04.2022

nsd

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AND
A.A.NAKKIRAN, J.

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

At the instance of the learned counsel for the petitioners, this matter has been posted today under the caption “for being mentioned”.

2. The learned counsel for the petitioners brought to the notice of this Court that in condition (iii) of paragraph no.10 of the order dated 08.04.2022 passed in Crl.M.P.Nos.14048 of 2021 & 4332 of 2022 in Crl.A.No.433 of 2021, the words (AA 4 and 5) was inadvertently typed, on account of which, compliance with the directions thereon causes



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inconvenience to the petitioners as well to the trial Court.

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3. Accepting the submissions of the learned counsel for the petitioners, the words “(AA 4 and 5)” in paragraph no.10(iii) of the said order stands deleted.

The Registry is directed to carry out the necessary corrections and issue fresh corrected order copy.

(P.N.P.,J.) (A.A.N.,J.)
19.04.2022

nsd

To

- 1.The III Additional District and Sessions Judge,
Erode at Gobichettipalayam.
- 2.The Inspector of Police,
Kadathur Police Station,
Erode District.
- 3.The Superintendent of Prison,
Central Prison, Coimbatore.
- 4.The Superintendent of Prison,
Special Prison for Women,
Coimbatore.
- 5.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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