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Crl.M.P.No.18110 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 07.12.2022
Pronouncing orders on : 15.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.M.P.No.18110 of 2022
in Crl.A.No.1215 of 2022

Jayanthi

... Petitioner

Vs.

State by;
The Inspector of Police
Jayakondam Police Station,
Ariyalur District.
(Crime No.105 of 2018)

... Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 389(2) of Cr.P.C., to suspend the sentence imposed on the petitioner herein by the learned Principal District and Sessions Judge, Ariyalur, Ariyalur District made in S.C.No.62 of 2020 by judgment dated 07.04.2022 and enlarge her on bail pending disposal of the above appeal.

For Petitioner : Mr.T.Shanmugam

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor



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Crl.M.P.No.18110 of 2022

ORDER

N. ANAND VENKATESH, J.

This petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 07.04.2022 passed in S.C.No.62 of 2020 on the file of the learned Principal District and Sessions Judge, Ariyalur, Ariyalur District and to enlarge the petitioner on bail pending disposal of the appeal.

2.The petitioner faced trial along with one Chinnarasu (A2) in S.C.No.62 of 2020 before the Principal District and Sessions Court at Ariyalur District and was convicted and sentenced in the following manner:

S.No	Conviction for offence under	Sentence/Punishment
1	Section 449 IPC read with 34 IPC	Ten years rigorous imprisonment.
2	Section 302 IPC read with 34 IPC	Life imprisonment.
3	Section 392 IPC read with 34 IPC	Ten years rigorous imprisonment

3.The case of the prosecution is that A1 had received money from various



CrI.M.P.No.18110 of 2022

persons with a false promise that she will secure them jobs. A1 is also said to have had intimacy with A2 and A1 was giving money to A2, who used it for consuming liquor and for taking drugs. The wife of PW1 Gunasekaran used to invite A1 to her house and was supplying her rice. At that point of time, A1 noticed that the wife of PW1 was wearing a lot of jewelery. Hence, A1 and A2 hatched a conspiracy to kill the wife of PW1 and to take away the gold jewelery. On 28.03.2018 at about 12 noon, the accused persons went into the house of the deceased Bharathi and stabbed her with a knife and took away gold jewelery to the tune of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only). The wife of PW1 died on account of the injuries sustained due to stabbing.

4.The learned counsel for the petitioner submitted that PW1 in the complaint had stated that unknown persons forcibly broke open the door and committed theft of jewelery from his wife. Such a stand taken in the complaint runs contrary to the case that was projected by the prosecution and there was no material to connect the petitioner with the crime. The learned counsel further submitted that the entire case of the prosecution is based on circumstantial evidence and the chain of circumstances have not been proved by the prosecution.

5.The petitioner has raised substantial grounds in the appeal, which



Crl.M.P.No.18110 of 2022

requires a detailed appraisal. That apart, the petitioner has suffered incarceration from 07.04.2022 onwards and there are no bad antecedents against the petitioner.

That apart, A2 was also released on bail by this Court through an order passed in Crl.M.P.No.10282 of 2022 on 02.11.2022 and such order was passed after considering all the relevant materials. Therefore, this Court is of the view that the petitioner is entitled to the grant of suspension of sentence and bail.

6. 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 learned Judicial Magistrate, No.1, Jayankondam, Ariyalur 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 cards or Bank passbook 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



CrI.M.P.No.18110 of 2022

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.) (N.A.V.,J.)
15.12.2022

Internet : Yes/No
Index : Yes/No
Speaking order /Non-Speaking order
ssr

To

- 1.The Principal District and Sessions Judge,
Ariyalur, Ariyalur District.
- 2.The Judicial Magistrate No.1,
Jayankondam, Ariyalur District.
- 3.The Superintendent of Prison,
Special Prison for Women, Trichy.
- 4.The Inspector of Police
Jayakondam Police Station,
Ariyalur District.
- 5.The Public Prosecutor,
High Court of Madras.



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Crl.M.P.No.18110 of 2022

P.N.PRAKASH,J.

and

N. ANAND VENKATESH,J.

ssr

Pre-Delivery Order in
Crl.M.P.No.18110 of 2022
in Crl.A.No.1215 of 2022

15.12.2022