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Crl.M.P.



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.07.2022
PRESENT

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

Crl.M.P.No.7739 of 2022
in
Crl.A.No.413 of 2022

Dhanamary ... Petitioner/Appellant No.2

Vs.

State represented by
The Inspector of Police,
Kallakudi Police Station,
Trichy District.
Crime No.74/2014

...Respondent/Respondent

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to suspend the sentence imposed on the petitioner by the Learned III Additional District and Sessions Judge, Tiruchirappalli in S.C.No.330 of 2018 dated 14.06.2022 and release the petitioner on bail pending disposal of the above Criminal Appeal.

PRAYER IN CRL A(MD) .No.413/2022:

Pleased to call for records and set aside the judgment passed by the Learned III Additional District and Sessions Judge, Tiruchirappalli in S.C.No.330 of 2018 dated 14.06.2022 and acquit the appellants herein.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.OM PRAKASH.T.A, Advocate for the petitioner and of Mr.S.RAVI, Additional Public Prosecution on behalf of the Respondent, While admitting the CRL.A., the court made the following order:-

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 14.06.2022 passed in S.C.No.330 of 2018 on the file of the III Additional District and Sessions Court, Tiruchirappalli and to enlarge the petitioner on bail pending disposal of the appeal.

2. Dhanamary, the petitioner herein and the second appellant in Crl A(MD) No.413 of 2022 faced a prosecution in SC.No.330 of 2018
<https://www.mhc.tn.gov.in/judis>



before the III Additional District and Sessions Court, Tiruchirappalli, was convicted and sentenced as follows on 14.06.2022:

S.No.	Provision under which convicted	Sentence
1	Section 324 IPC	One year simple imprisonment and fine of Rs.5,000/-, in default to undergo one month simple imprisonment.

3. Challenging the above conviction and sentence, the petitioner has filed Crl.A.No.413 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.T.A.Om Prakash, learned counsel for the petitioner and Mr.S.Ravi, learned Additional Public Prosecutor appearing for the respondent/State.

5. Of course, the co-accused in this case, namely, Sasikumar (A1) and Arokiasamy (A3) have been convicted for the offences under Section 302 IPC and have been sentenced to undergo imprisonment for life.

6. In Crl.MP(MD) No.1 of 2022 in S.C.No.330 of 2018, the trial Court has suspended the sentence qua Dhanamary (A2) under Section 389(3) Cr.P.C.

7. In such view of the matter and also taking into consideration the fact that the petitioner has raised substantial grounds in the appeal and the appeal is also not taken up for final hearing in the near future, this Court is of the view that the petitioner 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 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 III Additional District and Sessions Court, Tiruchirappalli;
- (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



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(iii) The petitioner shall appear before 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/-

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12/07/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE III ADDITIONAL DISTRICT & SESSIONS JUDGE,
TIRUCHIRAPPALLI.
- 2 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.
- 3 THE INSPECTOR OF POLICE,
KALLAKUDI POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.T.J.EBENEZER CHARLES, Advocate SR.No.6735

ORDER

IN

Crl.M.P.No.7739 of 2022
in

Crl.A.No.413 of 2022

Date :07/07/2022

SA/PN/SAR.1/12.07.2022/3P/6C