



Crl.M.P.No.9669 of 2023
in Crl.A.No.720 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE **S.S. SUNDAR**
AND
THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

Crl.M.P.No.9669 of 2023
in
Crl.A.No.720 of 2023

Manivannan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Arani Rural Police Station,
Thiruvannamalai District.

... Respondent

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C.
to suspend the sentence passed by the learned Additional District and
Sessions Judge, Fast Track Court, Arani in S.C. No.02/2020 dated
27.04.2023 and enlarge the petitioner on bail.

For Petitioner : Mr.V.Rajamohan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the Additional District and Sessions Judge, Fast Track Court, Arani in S.C. No.02 of 2020 dated 27.04.2023, and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2. The learned Additional District and Sessions Judge, Fast Track Court, Arani in S.C. No.02 of 2020, has convicted and sentenced the petitioner/A1 as follows :

<i>Offence for which Convicted</i>	<i>Sentence</i>
302 IPC	Life imprisonment and to pay a fine of Rs.2,000/-, in default to undergo two years rigorous imprisonment
Sentences were ordered to run concurrently	

3. Challenging the above conviction and sentence, the petitioner, who is arrayed as A1, has filed the above Criminal Appeal and she is seeking suspension of sentence and bail in the present miscellaneous petition.



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4. The case of the prosecution is that on 04.02.2019 at about 11.30 p.m., when the deceased Tamilselvan was chatting with his friends viz., P.Ws. 2 and 3 under the neem tree near the house of one Arputhammal, A1 to A5 with the common object of murdering the deceased came there with deadly weapons like thorny stick. It is the further case of the prosecution that the accused shouted at the deceased and abused him in filthy language. It is also the case of the prosecution that A1 with a thorny stick in his hand beat the deceased on the rear side of his head of the deceased and the second accused punched with steel bracelet on the nose of the deceased and the deceased fell down. Thereafter, accused 3 to 5 hit the deceased all over the body.

5. P.Ws.2 and 3 are examined as eye witnesses. It is admitted that the deceased died few days after the occurrence and the only weapon that was used is a thorny stick. P.W.13 doctor has deposed that the person who brought the deceased to the hospital reported that the deceased was beaten by his father which is contrary to the prosecution case. It is also stated that the deceased was taken to hospital by P.W.2 along with one of the accused. Having regard to the



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above facts, this Court finds prima facie case for suspension of sentence.

6. Accordingly, this Criminal Miscellaneous Petition stands **allowed** and the sentence of imprisonment imposed on the petitioner is **suspended** and she is granted bail on the following conditions:

- (i) Petitioner shall execute a bond for a sum of Rs.25,000/-, each with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate, Arani.
- (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
- (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 the Appeal



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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.

(S.S.S.R., J.) (S.M., J.)
19.10.2023

Index : Yes / No
Neutral Citation: Yes/No
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To

- 1.The Additional District and Sessions Judge,
Fast Track Court, Arani.
- 2.The Judicial Magistrate,
Arani.
- 3.The Inspector of Police,
Arani Rural Police Station,
Thiruvannamalai District.
- 4.The Superintendent,
Central Prison, Vellore.
- 5.The Public Prosecutor,
High Court, Madras.



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