



Crl.M.P.No.14550 of 2022 in Crl.A.No.774 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.11.2022

PRONOUNCED ON : 02.01.2023

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mr.JUSTICE G.CHANDRASEKHARAN

Crl.M.P.No.14550 of 2022

IN

Crl.A.No.774 of 2022

Gomathi

.. Petitioner/Sole Accused

Vs.

The State rep. by
The Inspector of Police
Steel Plant Police Station
Salem District
(Cr. No.52/2019)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389 Cr.P.C. to suspend the sentence imposed in S.C.No.219 of 2021 dated 23.06.2022 by the I Additional District and Sessions Court, Salem and enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.R.Sankarasubbu
for Mr.D.Mario Johnson

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor

**ORDER****P.N.PRAKASH, J.**

The petitioner/sole accused faced a prosecution in S.C.No.219 of 2021, in which, she was convicted and sentenced on 23.06.2022 by the I Additional District and Sessions Judge, Salem, as under :

<i>Provision under which convicted</i>	<i>Sentence</i>
S.302 IPC	Imprisonment for life and fine of Rs.1000/-, in default to undergo one year simple imprisonment
S.307 IPC	Five years rigorous imprisonment and fine of Rs.1000/-, in default to undergo six months simple imprisonment
S.309 IPC	Fine of Rs.500/-, in default to undergo one week simple imprisonment
The aforesaid sentences were ordered to run concurrently.	

Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.774 of 2022 along with the instant miscellaneous petition seeking suspension of sentence and bail.

2. Heard Mr.R.Sankarasubbu, learned counsel representing Mr.D.Mario Johnson, learned counsel on record for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent State.



3. It is the case of the prosecution that on 17.03.2019 around 10.15 a.m., the petitioner consumed organic phosphorus and administered the same to her two daughters viz., Mahalakshmi (aged about 3½ years) and Kaushika Sree (aged about 1½ years), with an intention to commit mass suicide. When all the three started vomiting, they were taken to Aishwaryam Hospital in an unconscious state. Unfortunately, Kaushika Sree died. The petitioner and her other daughter viz., Mahalakshmi were saved by the doctors.

4. Mr.Sankarasubbu contended that the petitioner was mentally indisposed and was in a state of depression and that is why, she attempted to commit suicide and administer poison to her children.

5. *Per contra*, the learned Additional Public Prosecutor refuted the aforesaid contentions of Mr.Sankarasubbu.

6. Chandrasekar (P.W.1), the husband of the petitioner, has, in his evidence, stated that his wife was in a state of depression, as she did not have a male child, whereas, her younger sister had one. It appears that on account of depression, she has attempted to commit suicide along with her two children.

It is stated that even now, she is in the state of depression and is very morose and isolated.



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7. Taking all these factors into consideration, we are inclined to grant the relief of suspension of sentence and bail 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 I Additional District and Sessions Judge, Salem ;
- (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 Aadhaar card or Bank pass book 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 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.

J.] gya

[P.N.P., J.]

[G.C.S.,

02.01.2023



To

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1. The Additional District and Sessions Judge
Salem

2. The Inspector of Police
Steel Plant Police Station
Salem District
Cr.No.52/2019

3. The Superintendent of Prison
Special Prison for Women
Coimbatore

4. The Public Prosecutor
High Court, Madras



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AND
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