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*Crl.M.P.No.7747 of 2024
in Crl.A.No.585 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.05.2024

CORAM:

THE HON'BLE MR.JUSTICE **C.SARAVANAN**

Crl.M.P.No.7747 of 2024
in
Crl.A.No.585 of 2024

1.Govindharaj
2.Jayaraman
3.Kavitha ... Petitioners

Vs.

The State rep.
The Inspector of Police,
Paparapatti Police Station,
Dharmapuri District.
(Crime No.48 of 2012) ... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 389(1) r/w 439 of Cr.P.C to suspend the sentence imposed on them by the learned Sessions Judge, Fast Track Mahila Court, Dharmapuri in S.C.No.70 of 2018 by judgment dated 23.04.2024 enlarge the petitioners on bail pending disposal of the criminal appeal.

For Petitioners : Mr.S.Sasikumar

For Respondent : Mr.S.Vinoth Kumar



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Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of sentence imposed by the learned Sessions Judge, Fast Track Mahila Court, Dharmapuri, in S.C.No.70 of 2018 dated 23.04.2024 and to enlarge the petitioners on bail pending disposal of the above appeal.

2. The petitioners herein are the accused in S.C.No.70 of 2018 on the file of the learned Sessions Judge, Fast Track Mahila Court, Dharmapuri. The petitioners 1 and 2 were found guilty of the offences under Sections 307 & 324 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and the third petitioner was found guilty of the offences under Sections 307, 324 & 355 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and they have been convicted and sentenced as under:

Sl.No.	Conviction	Sentence
1	Section 307 of IPC	to undergo rigorous imprisonment for a period of five years and to pay fine of Rs.10,000/-, in default to undergo simple imprisonment for three months to all the three accused.
2	Section 324 of IPC	to undergo rigorous imprisonment for a period of two years and to pay fine of



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Sl.No.	Conviction	Sentence
		Rs.5,000/-, in default to undergo simple imprisonment for three months to all the three accused.
3	Section 4 of Tamil Nadu Prohibition of Harassment of Women Act	to undergo rigorous imprisonment for a period of three years and to pay fine of Rs.5,000/-, in default to undergo simple imprisonment for three months to all the accused No.1 and 2.
4	Section 355 of IPC	to undergo rigorous imprisonment for a period of two years and to pay fine of Rs.5,000/-, in default to undergo simple imprisonment for three months to all the accused No.3

Aggrieved against the same, the petitioners have filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioners/accused would submit that there are arguable points available in the Criminal Appeal and the petitioners/accused have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioners/accused may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.



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4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. The first petitioner, who is the husband of the defacto complainant, and the second and third petitioners, who are the brother and sister of the first petitioner respectively, have been together accused of aforesaid offences.

7. Considering the fact that the dispute appears to be a matrimonial dispute between the first petitioner and the defacto complainant, and also by



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considering the submissions of the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions.

8. Accordingly, the substantive sentence of imprisonment imposed by the learned trial Judge is alone suspended and bail are granted on the following conditions for a period of six weeks from today:

(a) The petitioners/accused are ordered to be released on bail, on their executing a separate bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Dharmapuri.

(b) The petitioners/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioners shall appear before the Trial Court on the first working day of every



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English Calendar month at 10.30 a.m., until the disposal of the Criminal 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 his absence, as directed by the trial Court.

9. With the above directions, this Criminal Miscellaneous Petition is ordered.

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To

1. The Sessions Judge, Fast Track Mahila Court, Dharmapuri
2. The Inspector of Police,
Paparapatti Police Station,
Dharmapuri District.
3. The Public Prosecutor,
High Court, Madras.



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C.SARAVANAN, J.

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