



Crl.M.P.No.13035 of 2024
in Crl.A.No.1170 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2024

CORAM:

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN**

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in Crl.A.No.1170 of 2024

1.Murugan

2.Rani

... Petitioners

Vs.

The State,
Rep. by the Inspector of Police,
Thellar Police Station,
Tiruvannamalai District.
(Cr.No.52/2010)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., seeking to suspend the sentence of imprisonment imposed on the petitioners in Sessions Case No.22 of 2016 by the Additional District Sessions Court, Arani, Tiruvannamalai, pending disposal of the appeal and release the petitioners on bail during the pendency of the appeal.

For Petitioners : Mr.M.S.Niranjhan

For Respondent : Mr.S. Rajakumar,



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Additional Public Prosecutor

ORDER

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

This criminal miscellaneous petition has been filed seeking to suspend the sentence dated 25.03.2024 passed in S.C.No.22 of 2016 on the file of the learned Additional District Sessions Judge, Arani, Tiruvannamalai and release the petitioners on bail.

2. The first petitioner in the above Sessions Case was convicted and sentenced to life imprisonment and a fine of Rs.2,000/- in default to undergo 2 years R.I. for the offence under Section 302 IPC and 3 years R.I. along with a fine of Rs.1000/- in default to undergo 3 months R.I. for the offence under Section 201 r/w. Section 34 IPC. The second petitioner was convicted under Section 302 r/w. Section 34 IPC and was sentenced to life imprisonment with a fine of Rs.2,000/- in default to undergo 2 years R.I. and for the offence under Section 201 r/w. Section 34 IPC, she was sentenced to undergo 3 years R.I. along with a fine of Rs.1000/- in default



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to undergo 3 months R.I.

3. Aggrieved against the said judgement of conviction and sentence imposed on the petitioners by the Trial Court in S.C.No.22 of 2016, the petitioners have filed the present miscellaneous petition in the criminal appeal seeking suspension of sentence and bail.

4. The learned counsel for the petitioners would submit that the Trial Court has convicted the petitioners based on the circumstantial evidence.

5. We have considered the evidence of P.W.1, postmortem report, recovery made based on the confession statement of the accused, as well as the lab report. Since we found arguable points which is to be considered during the course of final hearing of the Criminal Appeal, we are inclined to consider the present petition. More so, the petitioners are in actual imprisonment for about 8 months.

6. Accordingly, this Criminal Miscellaneous Petition stands **allowed** and the sentence of imprisonment imposed on the petitioners is **suspended** on the following conditions:-



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(i) The petitioners shall execute a bond for a sum of Rs.25,000/- each, with two sureties each, each for a like sum to the satisfaction of the learned Additional District Sessions Court, Arani, Tiruvannamalai;

(ii) The petitioners and 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 passbook and mobile numbers to ensure their identity; and

(iii) The petitioners 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.

7. Post the Criminal Appeal after two weeks.

(S.M.S, J.)

(M.J.R, J.)

11.12.2024

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To

1.The Additional District Sessions Court,
Arani,
Tiruvannamalai.



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2.The Inspector of Police,
Thellar Police Station,
Tiruvannamalai District.

3.The Superintendent,
Central Prison,
Vellore.

4.The Superintendent,
Special Prison for Women,
Vellore.

5.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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S.M.SUBRAMANIAM, J.
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M.JOTHIRAMAN, J.

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