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Crl.M.P.No.154 of 2025
in Crl.A.No.22 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.154 of 2025

in

Crl.A.No.22 of 2025

Anandhakumar

... Petitioner /A1

Vs.

The State Rep. by its
The Inspector of Police,
E3, Saravanampatty Police Station,
Coimbatore.

(Crime No.302 of 2017)

... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430(1) of BNSS praying to suspend the sentence imposed by the judgment passed against the petitioner in S.C.No.126 of 2021 on 16.12.2024 by the learned Sessions Judge, Mahila Court/Additional Special Court for Exclusive Trial of Cases under Protection of Children from Sexual Offence Act, Coimbatore and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.P.Thinesh

For Respondent : Dr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the judgment dated 16.12.2024 passed in S.C.No.126 of 2021 by the learned Sessions Judge, Mahila Court/Additional Special Court for Exclusive Trial of Cases under Protection of Children from Sexual Offence Act, Coimbatore, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2.The case of the prosecution is that the petitioner was the husband of the deceased; that at the time of marriage, the petitioner and his parents demanded dowry from the deceased; that the deceased was subjected to cruelty by all the accused who demanded jewels and cash from the mother of the deceased; that since the petitioner abandoned the deceased, she committed suicide by hanging in her matrimonial home on 14.05.2017 at about 4.30 p.m.



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3.The petitioner/A1 in S.C.No.126 of 2021 was convicted by the Trial Court by the judgment dated 16.12.2024 for the offences under Sections 498(A) and 306 of I.P.C. and Section 4 of Dowry Prohibition Act and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for one month for the offence under Section 498(A) of I.P.C., sentenced to undergo five years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for one year for the offence under Section 306 of I.P.C. and for the offence under Section 4 of Dowry Prohibition Act sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for one month. Aggrieved by the same, he filed Crl.A.No.22 of 2025 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

4.The learned counsel for the petitioner would submit that the evidence adduced on the side of the prosecution would show that the



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petitioner had not abetted the offence of suicide; that the victim had committed suicide due to a matrimonial discord and hence the sentence may be suspended and that the sentence imposed on the co-accused/A2 & A3 has been suspended by this Court on 27.12.2024.

5.Heard the learned Government Advocate (Crl. Side).

6.Considering the fixed period of imprisonment imposed on the petitioner and the fact that the petitioner has raised substantial grounds in the above appeal, which requires consideration, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

7. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended till the disposal of the above Criminal appeal and the petitioner is ordered to be released on bail on the following conditions:



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- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court/Additional Special Court for Exclusive Trial of Cases under Protection of Children from Sexual Offence Act, Coimbatore;
- (ii) The petitioner 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 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 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.

31.01.2025

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Issue order copy by 04.02.2025

Upload the order copy forthwith.



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SUNDER MOHAN, J.
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To

- 1.The Sessions Judge,
Mahila Court/Additional Special Court for Exclusive
Trial of Cases under Protection of Children from Sexual Offence Act,
Coimbatore
- 2.The Inspector of Police,
E3, Saravanampatty Police Station,
Coimbatore.
- 3.The Superintendent,
Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.

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