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Crl.M.P.No.6195 of 2024
in Crl.A.No.405 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

Crl.M.P.No.6195 of 2024
in Crl.A.No.405 of 2024

Inarjeet Mukhiya

... Petitioner

Vs.

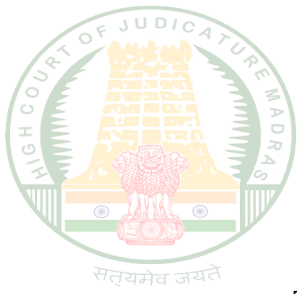
State Rep. by
Inspector of Police
Walajabath Police Station
Walajabath
Kancheepuram
(Cr.No.1650/2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, praying to suspend the sentence and enlarge the petitioner on bail in S.C.No.(K) 48 of 2020, dated 30.08.2023 on the file of Mahila Court (Sessions Court), Chengalpet, pending disposal of Criminal Appeal.

For Petitioner : Mr.A.N.Rajan

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor
ORDER



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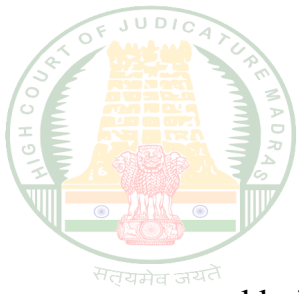
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This Criminal Miscellaneous Petition has been filed by the petitioner / accused, who has been found guilty for the offence U/s.302 I.P.C. and sentenced to life imprisonment, apart from other sentences, by the Mahila Court (Sessions Court), Chengalpet, dated 30.08.2023, in S.C.No.(K)48 of 2020, as against the same, he has preferred the main appeal. This present application is for suspension of his sentence.

2. Learned Additional Mahila Court Judge (Sessions Court), Chengalpattu in S.C.No.(K)48 of 2020, has convicted the petitioner and sentenced him as follows:-

<i>Offence</i>	<i>Sentence imposed</i>
U/s.341 IPC	One month R.I.
U/s.366 IPC	10 years R.I. with a fine of Rs.2,000/- in default to undergo S.I. for one month.
U/s.376(A) IPC	10 years R.I. along with a fine of Rs.5,000/- in default to undergo S.I. for one month.
U/s.302 IPC	Life imprisonment along with a fine of Rs.10,000/- in default to undergo S.I. for six months.

3. Challenging the above convictions and sentences, the petitioner has filed the above Criminal Appeal and he seeks suspension of sentence



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and bail in the present miscellaneous petition.

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4. Heard Mr.A.N.Rajan, learned counsel appearing for the petitioner and Mr.S.Raja Kumar, learned Additional Public Prosecutor, appearing for the respondent Police.

5. The learned counsel for the petitioner would submit that among the circumstances put forth by the prosecution, the prosecution projected the last seen theory as if PW2 has seen both the deceased and the accused together. Since PW2 was treated as a hostile witness by the prosecution, the main link in the chain of the circumstances stands dismantled and therefore, he would submit that he has fair chance of success in the appeal.

6.Per contra, learned Additional Public Prosecutor submitted that there is ample medical evidences connecting the crime to the petitioner including the evidence relating to rape and recovery.

7.As pointed out by the learned counsel for the petitioner, PW2 who was the only witness projected by the prosecution, who has last seen the



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accused with the deceased had turned hostile. The only other circumstance relied upon by the prosecution is medical evidence. It is a settled proposition that in a case of circumstantial evidence, each and every link in the chain of circumstances should be established, and the case cannot be rested only on one circumstance. It is stated by the learned counsel for the petitioner that the petitioner herein was arrested on 04.09.2020 and has been in imprisonment from then onwards. In consideration of the grounds raised by the learned counsel for the petitioner, we are of the view that a *prima facie* case has been made out by the petitioner herein and that he may have a fair chance of success in the appeal. Hence, we are inclined to suspend the sentence.

8. Accordingly, this Criminal Miscellaneous Petition stands **allowed** and the sentence imposed on the petitioner is suspended on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties each, each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Kancheepuram;

(ii) The petitioner and the sureties shall affix their



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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;

(iii) The petitioner is directed to appear before the trial Court on every Wednesday 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.

(iv) On the failure of any of the above conditions by the petitioner / accused, it is open to the trial Court to commit the petitioner / accused into custody for undergoing the sentence.

(M.S.R, J.) (N.S, J.)
19.03.2025

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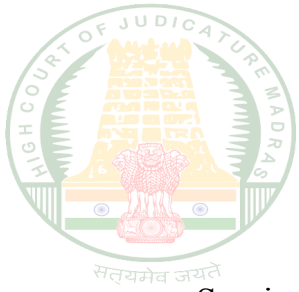
Note: Issue Order Copy on 20.03.2025

M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.

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To

1.The Mahila Court Judge



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Sessions Court
Chengalpattu

2.The Inspector of Police
Walajabath Police Station
Walajabath
Kancheepuram
(Cr.No.1650/2020)

3.The Superintendent of Prison
Central Prison
Puzhal, Chennai

4.The Public Prosecutor
High Court of Madras
Chennai 600 104

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