



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Sixteenth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP(MD) No.10450 of 2016

IN

CRL A(MD) No.403 of 2016

SUBRAMANI

..PETITIONER/APPELLANT/ACCUSED NO.1

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION,

KARAIKUDI,

SIVAGANGAI DISTRICT.

(CRIME NO.6/2013)

..RESPONDENT/RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed against the petitioner in S.C.NO.61/2013 dated 01.09.2016 on the file of the learned District Fast Track Mahila Court, Sivagangai and enlarge him on bail pending disposal of the above criminal appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.C.SUSIKUMAR, Advocate for the petitioner and of M/s.S.PRABHA, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

The petitioner/accused in S.C.No.61 of 2013, on the file of learned District Fast Track Mahila Court, Sivagangai, while challenging the conviction and sentence, seeks appeal bail under Section 389 (i) Cr.P.C.

2. After trial, the petitioner/accused has been convicted and sentenced as under:

Conviction	Sentence
Section 5 r/w 6 Protection of Children from Sexual Harassment Act, 2012	10 years R.I. + Fine Rs.5,000/-, i/d 6 Months S.I.

Against which, the present appeal is filed.

3. The learned counsel for the petitioner submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised.



4. The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner.

5. In the facts and circumstances, perusing the impugned Judgment and the materials on record, I am of the view that certain eminently arguable points are involved in this criminal appeal. They are required to be examined in detail in the main criminal appeal. Further, it will take some time for the disposal of the criminal appeal. Further, now the petitioner was confined at Central Prison, Madurai, by which, the necessity to consider this petition arises. On considerations, ordered as under:

(i) Appeal bail granted.

(ii) Substantial sentence alone is suspended on condition that the petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties for the likesum each to the satisfaction of the learned District Fast Track Mahila Court, Sivagangai.

(iii) The petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m., until further orders.

Post the criminal appeal on 23.01.2017.

sd/-

16/12/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE DISTRICT FAST TRACK MAHILA JUDGE, SIVAGANGAI.
- 2 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, KARAIKUDI, SIVAGANGAI DISTRICT.

+1. C.C. to M/S.M.SUBASH BABU Advocate SR.No.81748

ORDER IN
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IN
CRL A(MD) No.403 of 2016
Date :16/12/2016