



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

Monday, the Nineteenth day of September Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP (MD) No.2816 of 2016
IN
CRL A (MD) No.105 of 2016

THANGARAJ

... APPELLANT/APPELLANT/SOLE ACCUSED.

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VILATHIKULAM,
TUTICORIN DISTRICT.
(CRIME NO. 1 OF 2015)

... RESPONDENT/RESPONDENT/COMPLAINANT

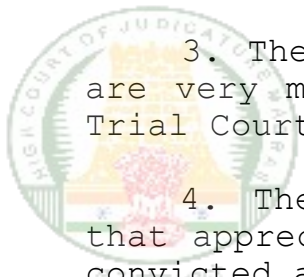
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed in judgment dated 08.03.2016 made in Special S.C.No. 27 of 2015 on the file of the Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Tuticorin and enlarge him on bail pending disposal of the instant Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S N. ANANDA KUMAR for K.SEEMARAJ, 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:-

Sole Accused in Special S.C.No.27 of 2015, on the file of Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Tuticorin, while challenging the conviction and sentence, seeks appeal bail under Section 389(1) of Cr.P.C.

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

Conviction	Sentence
Section 450 I.P.C.	1 years R.I. + Fine Rs.1,000/-, i/d 1 Month R.I.
Section 4 of Protection of Children from Sexual Offences Act, 2012	10 years R.I. + Fine Rs.2,000/-, i/d one Month R.I.



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.

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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, Palayamkottai, 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 Judicial Magistrate, Vilathikulam.

(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.

sd/-

19/09/2016

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

TO

- 1 THE SESSIONS JUDGE, MAHALIR NEETHIMANDAM (FAST TRACK MAHILA COURT), TUTICORIN.
- 2 THE JUDICIAL MAGISTRATE, VILATHIKULAM.
- 3 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 6 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, VILATHIKULAM, TUTICORIN DISTRICT.

+1. C.C. to M/S K. SEEMARAJ Advocate SR.No.53451

ORDER

IN

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IN

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Date : 19/09/2016