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

Tuesday, the Twelfth day of July Two Thousand Sixteen
PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP(MD) No.5277 of 2016

IN

CRL A(MD) No.235 of 2016

MADAN @ MADANKUMAR

... PETITIONER/PETITIONER

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MANAMADURAI,
SIVAGANGAI DISTRICT.
(IN CRIME NO.1/2008)

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the conviction and sentence passed in S.C.No.81 of 2008 on the file of Honourable Fast Track Mahila Court, Sivagangai, pending disposal of the above 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.M.A.PALANISAMY, Advocate for the petitioner and of MR.P.KANDASAMY, Govt.Advocate(Crl.Side) on behalf of the Respondents the court made the following order:-

While challenging his conviction and sentence in S.C.No.81 of 2008, on the file of learned Additional Sessions Judge, Fast Track Mahila Court, Sivagangai, the petitioner seeks appeal bail under Section 389 Cr.P.C.

2.In the trial Court, the appellant was convicted and sentenced as under:

Conviction	Sentence
Under Section 417 I.P.C.	1 year R.I. and fine Rs.10,000/- i/d 3 months RI

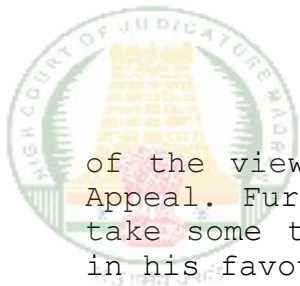
Fine amount has been paid.

3.According to the learned counsel for the petitioner, the main witness in this case, namely, P.W.1 alleged to be victim, cannot be believed. Her evidence is highly unnatural, artificial and unacceptable. In the facts and circumstances, the offence under Section 417 I.P.C. is not attracted. There is prima facie case in favour of the petitioner.

4.On the other hand, the learned Government Advocate (Criminal side) would submit that the evidence of P.W.1 is sufficient to send the accused to jail. Thus, the trial Court has rightly convicted him.

<https://hcservices.ecourts.gov.in/hcservices/>

5.I have anxiously considered the rival submissions, perused the impugned judgment and also referred to relevant piece of evidence. I am



of the view that certain arguable points are involved in this Criminal Appeal. Further, the petitioner was on bail in the trial Court. It will take some time for the disposal of this appeal. I see prima-facie case in his favour. I am inclined to grant him appeal bail.

6. Ordered as under:

- (1) Appeal bail granted.
- (2) His sentence of imprisonment alone is suspended.
- (3) There shall be two sureties, they and the petitioner shall execute a bond for Rs.15,000/- (Rupees Fifteen thousand only) each to the satisfaction of learned Additional Sessions Judge, Fast Track Mahila Court, Sivagangai.
- (4) 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/-

12/07/2016

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

TO

- 1 THE ADDITIONAL SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
SIVAGANGAI.
- 2 DO-THRO' THE PRINCIPAL SESSIONS JUDGE, SIVAGANGAI.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MANAMADURAI,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S N.SATHEESHKUMAR, Advocate SR.No.35932

ORDER

IN

CRL MP(MD) No.5277 of 2016

IN

CRL A(MD) No.235 of 2016

Date :12/07/2016

PA/SK-SKN/SAR I/14.07.2016/2P/6C