



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.5353 of 2016

IN

CRL A(MD) No.240 of 2016

CHELLAM @ SELVARAJ @ SELVAKUMAR

... PETITIONER/APPELLANT.

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SATHANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
CR. NO.136/2014

... 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 of imprisonment imposed on the petitioner by the judgement dated 1.6.2016 made in S.C. No.292 of 2015 on the file of Learned Sessions Judge, mahalir Neethimandram Fast Track Mahila Court, Thoothukudi and enlarge the petitioner/appellant on bail 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 S.R.ANBARASU, Advocate for the petitioner and of MR.P.KANDASAMY, Government Advocate(Crl.Side), on behalf of the Respondent, the court made the following order:-

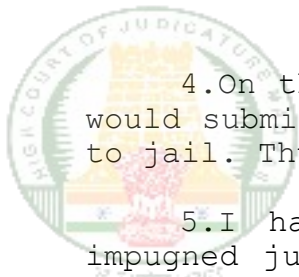
While challenging his conviction and sentence in S.C.No.292 of 2015, on the file of learned Additional Sessions Judge, Fast Track Mahila Court, Tuticorin, the petitioner/A1 seeks appeal bail under Section 389 (1) Cr.P.C.

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

Conviction	Sentence
Under Section 417 I.P.C.	1 year S.I. and fine Rs.3,000/- i/d 2 months R.I.

Fine amount has been paid.

3.The learned counsel for the petitioner contended that the alleged victim girl is an adult woman. She herself had stated that voluntarily she had physical contact with the petitioner/A1. The alleged victim girl/P.W.1 is motivated. In the facts and circumstances, the offence under Section 417 I.P.C. is not attracted to this case. Further, there is unexplained 6 months delay in lodging the F.I.R. 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.

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, Tuticorin.

(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

/ TRUE COPY /

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

TO

1 THE ADDITIONAL SESSIONS JUDGE,
FAST TRACK MAHILA COURT, TUTICORIN.

2 DO THRO THE PRINCIPAL SESSIONS JUDGE,
TUTICORIN.

3 THE GOVERNMENT ADVOCATE (CRL.SIDE)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

4 THE INSPECTOR OF POLICE
SATHANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.

+1. C.C. to M/S S.R.ANBARASU Advocate SR.No.36237.

ORDER

IN

CRL MP(MD) No.5353 of 2016

IN

CRL A(MD) No.240 of 2016

Date :12/07/2016

AM/SK.SKN/SAR-II/14.07.2016/2P/6C

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