



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

Friday, the Sixteenth day of September Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP(MD) No.6401 of 2016
IN
CRL A(MD) No.211 of 2016

CHINNAPANDI

... PETITIONER/APPELLANT/
ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUPPARANKUNDRAM,
MADURAI DISTRICT,
CRIME NO.26/2009

... RESPONDENT/RESPONDENT/
COMPLAINANT

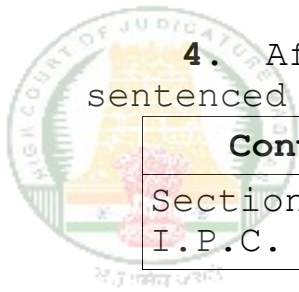
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner/appellant/accused No.1 in S.C. No.366/2011 dated 18.5.2016 on the file of the Learned District and Sessions Judge, (in-charge), Mahila Court Madurai and enlarge him on bail disposal of the appeal.

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

The accused No.1 in S.C.No.366 of 2011, on the file of the learned District and Sessions Judge, Mahila Court, Madurai, while challenging his conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

2. The learned counsel for the petitioner and the learned counsel for respondent are present.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.



4. After trial, the petitioner has been convicted and sentenced as under:

Conviction	Sentence
Section 376 of I.P.C.	10 years R.I. + Fine Rs.5,000/-, i/d 6 months S.I.

5. The fine amount has already been paid.

6. 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. Further, it is represented that the petitioner has been confined in judicial custody from 18.05.2016.

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

8. 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 in Central Prison, Madurai, by which, the necessity to consider this petition arises. On considerations, ordered as under:

(i) Appeal bail granted till the disposal of the appeal.

(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 No.VI, Madurai.

(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/-
16/09/2016

/ TRUE COPY /



PMU

TO

1 THE DISTRICT AND SESSIONS JUDGE (IN-CHARGE)
MAHILA COURT, MADURAI.

2 THE JUDICIAL MAGISTRATE NO.VI, MADURAI

3 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUPPARANKUNDRAM,
MADURAI DISTRICT,

5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

6 THE SUPERINTENDENT CENTRAL PRISON, MADURAI

+1. C.C. to M/S R.VENKATESWARAN Advocate SR.No.52828

GJM/SK/SKN/SAR-I-19.9.16-3P-8C

ORDER

IN

CRL MP (MD) No.6401 of 2016

IN

CRL A (MD) No.211 of 2016

Date :16/09/2016