



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

Friday, the Nineteenth day of August Two Thousand Sixteen
PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP(MD) No.7172 of 2016

IN

CRL A(MD) No.296 of 2016

M.SUNDAR

... PETITIONER/APPELLANT

Vs

STATE REP.BY

THE DEPUTY SUPERINTENDENT OF POLICE,
TIRUNELVELI RURAL SUB DIVISION,
TIRUNELVELI DISTRICT,
TIRUNELVELI TALUK POLICE STATION.
CR. NO.250/2013

... 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 sentence the execution of sentence by granting Bail in S.C.No.33 of 2014 dated 18.07.2014 on the file of the Learned II Additional District and Sessions Judge, Tirunelveli, Tirunelveli District till the 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.D.ANBARASU, Advocate for the petitioner and of MR.P.KANDASAMY, Govt.Advocate(Crl.Side) on behalf of the Respondents the court made the following order:-

The sole accused in S.C.No.33 of 2014, on the file of the learned II Additional District & Sessions Judge, Tirunelveli, while challenging his conviction and sentence, seeks appeal bail under Section 389 Cr.P.C.

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

Conviction	Sentence
Section 4 of Tamilnadu Prohibition of Harassment of Women Act	3 Months R.I. + Fine Rs.10,000/-, i/d 3 Months S.I.
Section 447 I.P.C.	1 Month R.I. + Fine Rs.200/-, i/d 2 Weeks S.I.
Section 323 I.P.C.	3 Months R.I. + Fine Rs.300/-, i/d 3 Months S.I.

3. All the sentences were directed to run concurrently. Fine amounts were paid.

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

4. The learned counsel for the petitioner submitted that the prosecution has failed to establish the place of occurrence in this



case. Further, the evidence of witnesses are inconsistent and it is also inherently improbable.

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5. The learned counsel for the petitioner also submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised. There is *prima facie* case in favour of the petitioner.

6. The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced the Trial Court has rightly convicted and appropriately sentenced the petitioner. There is no *prima facie* case in favour of the petitioner.

7. 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, the petitioner was on bail in the Trial Court. I see *prima facie* case in favour of the petitioner. I am inclined to grant him appeal bail.

8. Ordered as under:

- (i) Appeal bail granted.
- (ii) His sentence of imprisonment alone is suspended.
- (iii) There shall be two sureties, they and the petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) each to the satisfaction of the learned Judicial Magistrate No.III, Tirunelveli.
- (iv) 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/-
19/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE II ADDITIONAL DISTRICT & SESSIONS JUDGE, TIRUNELVELI.
- 2 DO-THRO' THE PRINCIPAL SESSIONS JUDGE, TIRUNELVELI.
- 3 THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI.
- 4 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 5 THE DEPUTY SUPERINTENDENT OF POLICE, TIRUNELVELI RURAL SUB DIVISION, TIRUNELVELI DISTRICT, TIRUNELVELI TALUK POLICE STATION.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.D.ANBARASU Advocate SR.No.45683

ORDER IN
CRL MP(MD) No.7172 of 2016 IN
CRL A(MD) No.296 of 2016
Date :19/08/2016