



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

Wednesday, the Twenty First day of September Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP(MD) No.8029 of 2016

IN

CRL A(MD) No.321 of 2016

S.AASAITHAMBI

..APPELLANT/ACCUSED

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

KOTTAMPATTI POLICE STATION.

(IN CRIME NO. 46 OF 2006)

..RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge the petitioner on bail by suspending the sentence and the fine amount imposed upon the petitioner in S.C.No.155 of 2007 dated 04.04.2016 on the file of the Learned District Mahila Judge, Madurai.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.MOHAMED RAJPUDIN, 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:-

The sole accused in S.C.No.155 of 2007, on the file of the learned District Mahila Judge, Madurai, while challenging his conviction and sentence, seeks appeal bail under Section 374(2) Cr.P.C.

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

Conviction	Sentence
Section 498(A) IPC	3 years R.I. + Fine Rs.1,000/-, i/d 6 Months S.I.
Section 306 IPC	10 years R.I. + Fine Rs.5,000/-, i/d 6 Months S.I.

3. Fine amount has been paid.

4.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.



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

6. 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 is in custody for more than 200 days, 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, Melur.

(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/-

21/09/2016

/ TRUE COPY /

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

TO

1 THE DISTRICT MAHILA JUDGE, MADURAI.

2 -DO-THRO' THE JUDICIAL MAGISTRATE, MELUR, MADURAI DISTRICT.

3 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

4 THE INSPECTOR OF POLICE, KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.

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

6 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. C.C. to M/S A.RAJA Advocate SR.No.54919

ORDER IN

CRL MP(MD) No.8029 of 2016

IN

CRL A(MD) No.321 of 2016

Date :21/09/2016