



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

Thursday, the Fifteenth day of September Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP (MD) No.8671 of 2016
IN
CRL A (MD) No.333 of 2016

CHANDRASEKAR

... PETITIONER/APPELLANT/SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
WATRAP POLICE STATION,
VIRUDHUNAGAR DISTRICT,
CR NO. 115 OF 2014.

... 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 passed by the Judgement dated 23.08.2016 made in S.C.No. 190 of 2014 on the file of the Fast Track Mahila Court Srivilliputhur and enlarge the Petitioner on bail pending disposal of the above Appeal.

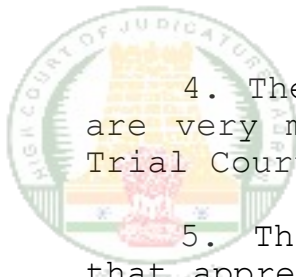
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.GANDHI, Advocate for the petitioner and of Mr.Kandasamy Government Advocate (Crl.side) on behalf of the Respondent while admitting the Crl.A., the court made the following order:-

The sole accused in S.C.No.190 of 2014, on the file of Fast Track Mahila Court, Srivilliputhur, while challenging the conviction and sentence, seeks appeal bail under Section 389(1) of Cr.P.C.

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

Conviction	Sentence
Section 306 I.P.C.	7 years R.I. + Fine Rs.10,000/-, i/d 6 Months S.I.
Section 7 r/w 8 of the Protection of Children from Sexual Offences Act, 2012	5years R.I. + Fine Rs.10,000/-, 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, now the petitioner was confined at Central Prison, Madurai, 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 No.I, Srivilliputhur.

(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/-
15/09/2016

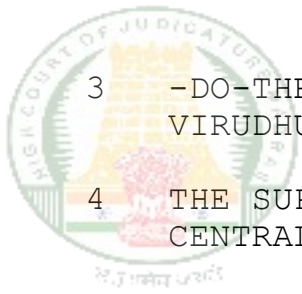
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE FAST TRACK MAHILA JUDGE, SRIVILLIPUTHUR

2 THE JUDICIAL MAGISTRATE NO.I, SRIVILLIPUTHUR



3 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

4 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI

5 THE INSPECTOR OF POLICE
WATRAP POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. C.C. to M/S.R.GANDHI Advocate SR.No.52272

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ORDER
IN
CRL MP (MD) No.8671 of 2016
IN
CRL A (MD) No.333 of 2016
Date :15/09/2016