



WEB COPY

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

Thursday, the Third day of November Two Thousand Sixteen
PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP(MD) No.9913 of 2016

IN

CRL A(MD) No.77 of 2015

MANOHAR

... PETITIONER/APPELLANT/ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
ATHOOR POLICE STATION,
THOOTHUKUDI DISTRICT
IN CRIME NO. 208 OF 2012

... 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 by the Learned Session Judge, Mahalir Neethimandram (Fast Track Court) Thoonthukudi passed in SC No. 196 of 2013 dated 06.01.2015 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

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

The accused in S.C.No.196 of 2013, on the file of the learned Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Tutuicorin District, while challenging his conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

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

Conviction	Sentence
Section 506(ii) of IPC.,	5 years R.I.
Section 8 of Protection of Children from Sexual Offences Act	5 years R.I. + fine of Rs.3000/ with default sentence

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. PW1 in this case has admitted that there is a previous motive between the accused and the father of the victim. 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. 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.15,000/- (Rupees fifteen thousand only) with two sureties for the like sum each to the satisfaction of the learned Sessions Judge Mahalir Neethimandram (Fast Track Court), Thoothukudi.

(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/-

03/11/2016

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

TO

1 THE SESSIONS JUDGE, MAHALIR NEETHIMANDRAM,
(FAST TRACK MAHILA COURT), TUTICORIN DISTRICT.

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

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE, ATHOOR POLICE STATION,
THOOTHUKUDI DISTRICT

+1. C.C. to M/S.C. CHRISTOPHER Advocate SR.No.65502.

ORDER

IN

CRL MP (MD) No.9913 of 2016

IN

CRL A (MD) No.77 of 2015

Date : 03/11/2016