

THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the First day of November Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice S. VIMALA

CRIMINAL MISCELLANEOUS PETITION No.12976 of 2017

IN CRL A.440/2016

SARAVANA KUMAR

[ PETITIONER / APPELLANT ]

Vs

THE STATE REP BY ITS,  
THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION (CENTRAL),  
COIMBATORE DISTRICT  
CR.NO.20 OF 2010.

[ RESPONDENT ]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.440/2016 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in S.C.No.158 of 2011 on the file of Principal Sessions Judge, Mahalir Netthimandram, Coimbatore dated 08.04.2015 and enlarge the petitioner on bail pending disposal of the above C.A.No.440 of 2016 on the file of this Hon'ble Court.[IN CRL.MP.NO.12976 OF 2017]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.440/2016 on the file of the High Court and upon hearing the arguments of M/S.M.N.BALAKRISHNAN, Advocate for the petitioner and of MR.V.ARUL, ADDITIONAL PUBLIC PROSECUTOR (Crl.Side) on behalf of the Respondent the court made the following order:-

The petitioner/appellant/ accused was convicted by the trial Court in S.C. No.158 of 2011 on the file of the Mahila Court, Coimbatore and sentenced for the respective offences, which are tabulated as hereunder :

| <b>Conviction</b> | <b>Sentenced</b>                                                                                                                         |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| U/s.366 IPC       | to undergo simple imprisonment for seven years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for six months |
| U/s376(1) IPC     | to undergo simple imprisonment for seven years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for six months |

2. The trial Court ordered the sentences imposed on the accused to run concurrently.

3. Challenging the same, the petitioner / accused has filed the present Criminal Appeal and pending Appeal, the petitioner / accused has filed this petition seeking to suspend the sentence of imprisonment and release him on bail.

4. Heard the learned counsel for the petitioner and Mr.S.Arul, learned Additional Public Prosecutor (Criminal Side) for the State.

5. Learned counsel for petitioner would submit that there are several infirmities and illegalities found in the prosecution case. It is further contended that there are contradictions in the material particulars in the evidence of the prosecution witnesses. Also he has stated that the accused is in custody for a period of two years and it is a case of elopement and not a case of rape. Further, the learned counsel for the petitioner submits that there are arguable points involved in this appeal and therefore, pending disposal of the Criminal Appeal, he prayed for suspending the sentence imposed on the petitioner.

6. Considering the grounds of appeal and considering the period of detention, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail subject to the condition the petitioner is directed to execute a bond in a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate, Mahila Court, Coimbatore and on further condition that the petitioner shall appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., pending disposal of the revision.

-sd/-  
01/11/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE MAHILA COURT,  
COIMBATORE.

2 THE PRINCIPAL SESSIONS JUDGE,  
MAHALIR NEETHIMANDRAM, COIMBATORE.

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION (CENTRAL),  
COIMBATORE DISTRICT.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, COIMBATORE.

C.C. to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary charges

Order

in  
CRL MP.12976/2017

in  
CRL A.440/2016

Date :01/11/2017

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