

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifth day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice N. AUTHINATHAN

CRIMINAL MISCELLANEOUS PETITION No.3526 of 2017

IN CRL A.122/2017

GANESH,

[PETITIONER]

Vs

THE STATE REP. BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARAKONAM, VELLORE DISTRICT.
CR.NO.10 OF 2015

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.122/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in Spl.S.C.No.1 of 2015 dated 07.02.2017 on the file of Sessions Judge, Mahila Neethimandram (Fast Track Mahila Court), Vellore and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Appeal No.122/2017 on the file of the High Court and upon hearing the arguments of M/S.R.SANKARASUBBU, Advocate for the petitioner and of MR.K.MATHAN Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

The first Accused in Special Sessions Case No.1 of 2015 on the file of the Mahila Neethimandram (Fast Track Mahila Court), Vellore, is the petitioner/appellant and he was convicted and sentenced to undergo 10 years RI and to pay a fine of Rs.50,000/- for the offence u/s. 6 r/w 5 (1) of Protection of Children from Sexual Offences Act.

2.The case of the prosecution is that the petitioner fell in love with the victim girl and promised to marry her; that on the promise of marriage he had sexual relationship with her and subsequently committed breach of promise and refused to marry her. He was prosecuted for the offence punishable under Section 6 r/w 5(1) of the Protection of Children from Sexual Offences Act and 294-b, 341, r/w 34 and 506(ii) of IPC. However, he was convicted only u/s. 6 r/w 5 (1) of Protection of Children from Sexual Offences Act. The other accused are acquitted by the trial Court.

3.The learned counsel appearing for the petitioner would submit that it is a case of love affair between the petitioner and the victim girl; that the petitioner and the victim girl are lovers and they are next door neighbours; that the parents of the victim girl have decided to give the victim girl in marriage to the petitioner; that the parents of the petitioner are also willing to solemnize the marriage of the victim after she attains majority. It is further submitted that the victim girl will attain majority on 16th July, 2017 and thereafter, they will solemnize their marriage. The father of the petitioner and the father of the victim girl are present before this Court and submit that they have arranged for the marriage of the victim girl with the petitioner.

4.Learned Government Advocate (Crl.side) has not raised any serious objection in view of the above said facts.

5.The petitioner is aged about 29 years, there is no fear that he will flee from justice. He has been sentenced to undergo for a fixed period of 10 years RI and to pay a fine of Rs.50,000/- for the offence u/s. 6 r/w 5 (1) of Protection of Children from Sexual Offences Act.

6.Having regard to the peculiar circumstances of the case, I am inclined to suspend the substantive sentence of imprisonment alone. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.I, Walajapet and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-
05/07/2017

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 SESSIONS JUDGE
MAHILA NEETHIMANDRAN[FAST TRACK MAHILA
COURT], VELLLORE

2 THE JUDICIAL MAGISTRATE,
NO.I, WALAJAPET

3 THE SUPERINTENDENT,
CENTRAL PRISON,VELLORE

4 THE STATE REP. BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARAKONAM, VELLORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.R.SANKARASUBBU Advocate on payment of necessary
charges SR.NO. 12358

Order

in
CRL MP.3526/2017

in
CRL A.122/2017

Date :05/07/2017

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RD 06/07/2017