

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Third day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.9650 of 2017

IN CRL A.749/2016

NATARAJAN,

[PETITIONER]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARIYALUR, ARIYALUR DISTRICT.
(CR.NO.1 OF 2016).

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.749/2016 on the file of the High Court, the High Court will be pleased to suspend the sentence and grand bail to the petitioner/appellant for the conviction and sentence imposed in SPL.S.C.No.13 of 2016 dated 09.09.2016 on the file of the Sessions Judge, Fast Tract Mahila Court, Ariyalur District and thus render justice.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.749/2016 on the file of the High Court and upon hearing the arguments of M/S.K.GANDHI KUMAR, Advocate for the petitioner and of MR.C.EMALIAS ADDL.PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

By Judgment dated 09.09.2016 in Spl.S.C.No.13/2016, the learned Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Ariyalur convicted the petitioner and sentenced him as detailed below :

<i>Penal Provision(s) under which convicted</i>	<i>Sentence</i>
Section 6 of the POCSO Act 2012	rigorous imprisonment for ten years and to pay a fine of Rs.10,000/- and in default to undergo simple imprisonment for one year
Section 9 of the Tamil Nadu Prohibition of Child Marriage Act 2006	rigorous imprisonment for one year and to pay a fine of Rs.20,000/- and in default to undergo simple imprisonment for two months

<i>Penal Provision(s) under which convicted</i>	<i>Sentence</i>
Section 506(i) IPC	rigorous imprisonment for six months and to pay a fine of Rs.1000/- and in default to undergo simple imprisonment for one month

2.Challenging the said conviction and sentence, the appellant/accused is before this Court with this appeal. Pending appeal, the petitioner has filed the present petition, seeking suspension of sentence. The petitioner is in incarceration since 09.09.2016.

3. It is the case of the prosecution that the petitioner was already a married man and that he got married to the victim girl, who was a minor at the time of contracting the second marriage and it is further alleged that he had marital sex with her.

4. Admittedly the victim girl turned hostile in the prosecution case and this Court has suspended the sentence and granted bail to Pushparaj (A2), the father of the petitioner in CrI.M.P.No.741 of 2017 dated 06.07.2017.

5. Heard the learned Additional Public Prosecutor and perused the materials available on record.

6. Fine amount has been paid. Considering the facts and circumstances of the case taking into consideration that there are arguable points in favour of the petitioner and also taking note of the fact that the appeal is not likely to be taken up for final hearing in the near future, this Court is inclined to suspend the sentence.

7. 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.10,000/- [Rupees ten thousand only] with two sureties each for a like sum to the satisfaction of the learned Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Ariyalur and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Mahila Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(ii) the petitioner shall appear before the trial Court at 10.30 a.m on the first working day of every month till the disposal of the appeal.

-sd/-
03/10/2017

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
MAGALIR NEETHI MANDRAM
[FAST TRACK MAHILA COURT], ARIYALUR

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALLUR[FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

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

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.K.GANDHI KUMAR Advocate on payment of necessary charges SR.NO. 18783

Order

in
CRL MP.9650/2017

in
CRL A.749/2016

Date :03/10/2017

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format
RD 09/10/2017