



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

Thursday, the Second day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP (MD) No.7390 of 2016
IN
CRL A (MD) No.303 of 2016

VIJAYENDHARAN

... APPELLANT/SINGLE ACCUSED

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SIVAGANGAI DISTRICT.
(CR. NO.22/2013)

... 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 in S.C.No.21/214 dated 12.8.2016 on the file of the Learned Session Judge, FTC Mahila Court, Sivagangai enlarge the petitioner/appellant/accused on bail pending disposal of the above 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.N.MOHIDEEN BASHA, Advocate for the petitioner and of MRS.PRABHA, Government Advocate(Crl side) on behalf of the Respondents the court made the following order:-

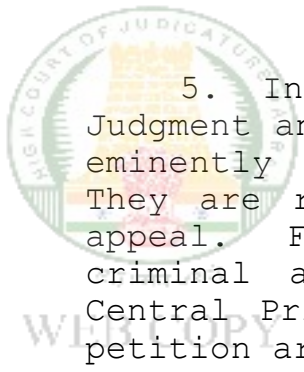
The accused in S.C.No.21 of 2014, on the file of the learned Sessions Court, Fast Track Mahila Court, Sivagangai, while challenging his conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

2. After trial, he has been convicted and sentenced as under:

Conviction	Sentence
Section 5(m) r/w 6 of the Protection of Children from Sexual Offences Act, 2012	5 years R.I. + Fine Rs.5,000/-, i/d, 6 months R.I.

3. 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.

<https://hcservices.courts.gov.in/hcservices/>
4. The Learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner.



5. 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 District and Sessions Judge, Fast Track Mahila Court, Sivagangai.
- (iii) The petitioner shall appear before the said Court daily at 10.30 a.m., until further orders.

sd/-
02/03/2017

/ TRUE COPY /

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

TO

- 1 THE LEARNED DISTRICT AND SESSIONS JUDGE,
FAST TRACK MAHIL COURT, SIVAGANGAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.N.MOHIDEEN BASHA Advocate SR.No.11881

ORDER
IN
CRL MP(MD) No.7390 of 2016
IN
CRL A(MD) No.303 of 2016
Date :02/03/2017

AAM-JM-SAR 2/3.3.2017/2P-6C