



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

Monday, the Thirtieth day of January Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP (MD) No.9325 of 2016
IN
CRL A (MD) No.354 of 2016

VALAMALAI
(APPELLANT IS CONFINED AT
CENTRAL PRISON, MADURAI)

... APPELLANTS/SOLE ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
MELUR IN KEELAVALAVU POLICE STATION,
CRIME NO.200 OF 2001
MADURAI

... RESPONDENT/COMPLAINANT

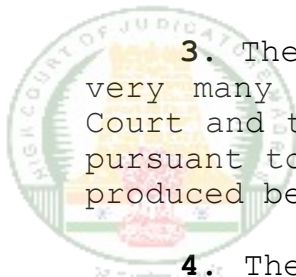
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed in S.C.No.105 of 2005 dated 30.05.2016 on the file of the Honourable District and Sessions court / Mahila Court, Madurai and release the petitioner on bail till the disposal of the main appeal

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

The petitioner/Sole Accused in S.C.No.105 of 2005, dated 30.05.2016 on the file of the learned District and Sessions Judge, Mahila Court, Madurai, while challenging the conviction and sentence, seeks appeal bail under Section 389 (i) Cr.P.C.

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

Conviction	Sentence
Section 366(A) IPC	10 years R.I and fine of Rs.5000/- in default to undergo 6 months S.I.
Section 342 IPC	1 year R.I and fine of Rs.500/- in default to undergo one month S.I.
Section 376 IPC	10 years R.I. Fine of Rs.5000/- in default to undergo 6 months S.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. He further submitted that in pursuant to the order dated 25.01.2017, receipt of fine amount has been produced before this Court.

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. Now the petitioner was confined at Central Prison, Madurai, by which the necessity to consider this petition arises. On considerations, this Court ordered as under:

- (i) Appeal bail granted.
- (ii) Substantive sentence alone is suspended on condition that the petitioner shall execute a bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for the likesum each to the satisfaction of the learned District and Sessions Judge, Mahila Court, Madurai, .
- (iii) Petitioner shall appear before the Trial Court once in a week i.e. on every Monday at 10.30 a.m. until further orders.

sd/-
30/01/2017

/ TRUE COPY /

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

TO

1 THE DISTRICT AND SESSIONS JUDGE, MAHILA COURT, MADURAI

3 THE INSPECTOR OF POLICE
MELUR IN KEELAVALAVU POLICE STATION, MADURAI

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

4 THE SUPERINTENDENT CENTRAL PRISON, MADURAI

+1. C.C. to M/S.S.MALAIKANI Advocate SR.No.4750
GJM/PM/SAR-3-2.2.17-2P-6C

ORDER
IN
CRL MP(MD) No.9325 of 2016
IN
CRL A(MD) No.354 of 2016
Date :30/01/2017