

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Tuesday, the Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

CRIMINAL MISCELLANEOUS PETITION No.809 of 2017

IN CRL A.32/2017

RAJAPPAN, MALE AGED 42 YEARS [ PETITIONER ]

Vs

STATE REP.BY [ RESPONDENT ]  
INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
KRISHNAGIRI, KRISHNAGIRI DISTRICT.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.32/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence enlarge the petitioner/appellant on bail by suspending the sentence imposed in S.C.No.143 of 2014 on the file of the Sessions Judge, Fast Track Mahila Court, Krishnagiri pending disposal of the above appeal in CA.No.32 of 2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.32/2017 on the file of the High Court and upon hearing the arguments of M/S.L.BASKARAN, Advocate for the petitioner and of MR. V. ARUL, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

Petitioner faced trial in S.C.No.143 of 2014 on the file of learned Sessions Judge, Fast Track Mahila Court, Krishnagiri. Trial Court, under judgment dated 16.02.2016, convicted petitioner/accused for offences u/s.5(1) r/w 6 of Protection of Children from Sexual Offences Act, 2012 and sentenced him to undergo 10 years R.I and to pay a fine of Rs.50,000/- in default to undergo 6 months S.I. There against, the present appeal has been filed. This miscellaneous petition has been filed seeking suspension of sentence.

2. Learned counsel for petitioner would submit that there are several infirmities and inconsistencies in the prosecution

case. Learned counsel further informs that petitioner is now confined at Central Prison, Vellore.

3. Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioner.

4. Taking into consideration the submissions of learned counsel for petitioner, this Court is of the view that petitioner herein may be granted the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and petitioner is directed to be enlarged on bail on condition that each of the petitioner shall 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 learned Judicial Magistrate-II, Krishnagiri and on further condition that petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

09/01/2018

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 JUDICIAL MAGISTRATE,  
NO.II, KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE  
KRISHNAGIRI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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

5 THE SESSIONS JUDGE  
FAST TRACK MAHILA COURT, KRISHNAGIRI

6 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE

C.C. to M/S.L.BASKARAN Advocate on payment of necessary  
charges

Order  
in  
CRL MP.809/2017  
in  
CRL A.32/2017

Date :09/01/2018

From 7.2.2001 the Registry is issuing certified  
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MD: 09/01/2018