

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Third day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V. MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.3365 of 2018

IN CRL A.295/2017

MANOJ

[PETITIONER/APPELLANT]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
RURAL B-1 POLICE STATION,
UTHAGAMADALAM.
CR.NO.699 OF 2015.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.295 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner in S.C.No.5 of 2016 on the file of the Learned Fast Track Mahila Judge dated 24.10.2016 and release the petitioner enlarge the on bail pending disposal of the above Crl.A.295 of 2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.295 of 2017 on the file of the High Court and upon hearing the arguments of MR.J.FRANKLIN, Advocate for the petitioner and of MS.T.P.SAVITHA, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

Petitioner faced trial in Spl.C.C.No.5 of 2016 on the file of the learned Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court) Udhagamandalam under Judgment dated 24.10.2016 convicted the petitioner for the offences under Section 363 I.P.C and section 9 of the Prevention of Child Marriage Act and Section 5(1) r/w Section 6 of Protection of Children from Sexual Offences Act 2012 and sentenced him to one year R.I. and to pay a fine of Rs.5,000/- in default, to undergo three months S.I. for the offence under Section 363; ten years R.I. and to pay a fine of Rs.5,000/- in default, to undergo one S.I. for the offence under Section 9 of the Prevention of Child Marriage Act and section 5(1) of the Protection of Children from Sexual Offences Act 2012. Hence, this miscellaneous petition has been filed seeking suspension of sentence.

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

would further submit that the petitioner is in custody from the date of judgment i.e. 24.10.2016 and confined in Central Prison, Coimbatore.

3. The learned Govt. Advocate (Crl. side) would strongly object for granting bail to the petitioner.

4. Taking into consideration the submissions of learned counsel for the petitioner and that the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein may be granted the relief of suspension of sentence.

5. Considering the nature of incarceration in jail for the past one and half years, this Court is inclined to grant bail to the petitioner. 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 in a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Fast Track Mahila Judge, Uthagamandalam and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders.

-sd/-
23/03/2018

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 JUDGE,
FAST TRACK MAHILA JUDGE,
UTHAGAMNDALAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
RURAL B-1 POLICE STATION,
UTHAGAMADALAM.

+1 C.C. to M/S.J.FRANKLIN Advocate on payment of necessary charges-Sr.5781

Order

in
CRL MP.3365/2018

in
CRL A.295/2017

Date :23/03/2018

From 7.2.2001 the Registry is issuing certified
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ths : 23.03.2018