

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.5808 of 2018

IN CRL A.247/2018

S.AZITH,

[PETITIONER/APPELLANT]

Vs

THE STATE REPRESENTED BY

[RESPONDENT]

THE INSPECTOR OF POLICE,

NAMAGIRIPETTAI POLICE STATION,

NAMAKKAL DISTRICT.

CR.NO.207 OF 2015.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.247 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment passed against the petitioner in ***Spl.C.C.No.45 of 2015** dated 19.02.2018 passed by the Sessions (Fast Track Mahila) Judge, Namakkal and enlarge the petitioner on bail, pending disposal of the above CRL.A.NO.247/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.247 of 2018 on the file of the High Court and upon hearing the arguments of MR.K.A.MARIAPPAN, Advocate for the petitioner and of Mr.R.SURYA PRAKASH, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

The petitioner was convicted for the offence under Section 366(A) IPC and Section 5(1) r/w 6 of POCSO Act 2012 against the accused were proved beyond reasonable doubt and hence for the offence under Section 366(A) IPC the accused is convicted and sentenced to 7 years RI with fine of Rs.1,000/- in default of payment of fine of Rs.1000/- in default of payment 3 more months RI and for the offence under Section 5(1) r/w 6 POCSO Act 2012 the accused is convicted and sentenced to 10 years RI with fine of Rs.2,000/- in default of payment of fine 6 more months RI under Section 235(2) Cr.P.C. Challenging the same, he has filed the present appeal. Pending the appeal, he has filed this miscellaneous petition seeking suspension of sentence.

2. After hearing the learned counsel for the petitioner my attention was drawn to the statement of victim on 31.08.2015 to the Judicial Magistrate and also evidence in the Court as P.W.3 wherein

he turned hostile.

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

4. Taking into consideration the material contradiction with regard to the charges with which the petitioner stands, 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 that the petitioner is in jail, this Court is inclined to grant bail to the petitioner. Accordingly, pending disposal of the appeal, 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 trial Court and on further condition that the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m.,

-sd/-
28/06/2018

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.

*** BEING MENTIONED AS PER ORDER OF THIS COURT DATED 09/07/2018 IN
CRL.MP.5808/2018 IN CRL.A.NO.247/2018**

TO

1 THE SESSIONS (FAST TRACK
MAHILA) JUDGE, NAMAKKAL.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NAMAGIRIPETTAI POLICE STATION,
NAMAKKAL DISTRICT.

+1 C.C. to M/S.K.A.MARIAPPAN Advocate on payment of necessary
charges-Sr.11776
SR.No.12495

Order

in
CRL MP.5808/2018

in
CRL A.247/2018

Date :28/06/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 29.06.2018
ths : 09.07.2018