

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eleventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.16912 of 2018

IN CRL.A.NO.813 OF 2018

UDAYA KUMAR

[PETITIONER / APPELLANT / ACCUSED]

Vs

THE STATE THROUGH [RESPONDENT]
DEPUTY SUPERINTENDENT OF POLICE,
ALL WOMEN POLICE STATION,
DHARAPURAM,
TIRUPPUR DISTRICT.
CR.NO.4 OF 2014.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.813 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner in Spl.S.C.No.29 of 2014 Judgment dated 03.12.2018 on the file of the Principal District and Sessions Judge, Tiruppur and enlarge him on bail pending disposal of the above CRL.A.NO.813 OF 2018 [IN CRL.MP.NO.813 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.813 OF 2018 on the file of the High Court and upon hearing the arguments of M/S.KINGSLY SOLOMON J, Advocate for the petitioner and of MRS.V.SARATHADEVI Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

The petitioner was tried in Special S.C.No.29 of 2014 for the offences under Section 376, 417, 294(b) and 506(II) IPC and Section 3(1)(w) of the SC/ST Act. However, the trial Court has acquitted him of all the charges except under Section 417 IPC and has imposed a sentence of one year rigorous imprisonment and fine of Rs.5,000/- in default to undergo three months simple imprisonment. The petitioner has paid the fine amount and the trial Court has also suspended the sentence under Section 389(3) Cr.P.C, so as to enable the petitioner to file an appeal against the judgment.

2 On a reading of the memorandum of grounds of appeal, it is seen that the petitioner has raised arguable points which can be gone into only during the final disposal of the case. Hence, the petitioner is entitled to the relief of suspension of sentence and bail and accordingly, the petitioner is released on suspension and bail pending disposal of C.A.No.813 of 2018 on condition that he shall surrender before the trial Court within one week from the date of receipt of a copy of this order and execute a bond for Rs.10,000/- with two sureties, one being a blood relative. The petitioner and the sureties shall submit their photographs and also copies of Aadhaar Card or any other identity card. The petitioner shall report before the trial Court on the first working day of every month until disposal of the appeal.

-sd/-

11/12/2018

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 PRINCIPAL DISTRICT &
SESSIONS JUDGE, TIRUPPUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
ALL WOMEN POLICE STATION,
DHARAPURAM, TIRUPPUR DISTRICT.

+1C.C. to M/S.KINGSLY SOLOMON J Advocate on payment of necessary charges SR NO.23768

Order

in
CRL MP.16912/2018
& CRL.A.NO.813/2018

Date :11/12/2018

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