



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

Friday, the Nineteenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP(MD) No.12 of 2018
IN
CRL A(MD) No.2 of 2018

AATHAN

... PETITIONER/APPELLANT/ACCUSED NO.2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KARAIKUDI,
SIVAGANGAI DISTRICT.
(CRIME NO.6/2013)

... RESPONDENT/RESPONDENT/COMPLAINANT

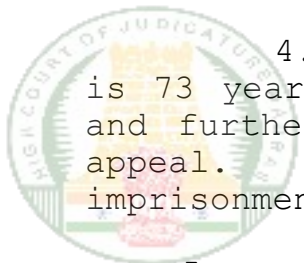
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to SUSPEND THE SENTENCE imposed against the petitioners husband in S.C.No.61 of 2013 dated 01.09.2016 on the file of the Learned District Fast Track Mahila Court, Sivagangai and enlarge my husband on bail pending disposal of above Criminal Appeal and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.SUBASH BABU, Advocate for the petitioner and of MR.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

It is seen that the petitioner has been convicted by the District Fast Track Mahila Court, Sivagangai in Sessions Case No.61 of 2013 for the offence under Section 5 r/w. 6 of Children from Sexual Harassment Act, 2012 and sentenced to undergo ten years Rigorous Imprisonment and to pay a fine of Rs.5,000/- (Rupees Five Thousand only), in default, to undergo six months Simple Imprisonment, by judgment dated 01.09.2016. Challenging the conviction and sentence, this appeal has been filed.

2.The petitioner is seeking suspension of sentence and bail on the ground that this Court has suspended the sentence and has granted bail to Subramani (A1) in Crl.O.P.(MD) No.10450 of 2016 in Crl.A.(MD) No.403 of 2016, on 16.12.2016, but whereas this petitioner had not filed the appeal within time and had filed the appeal with the delay.

3.The learned counsel for the petitioner submitted that the petitioner is 73 years old and has been in prison from 01.09.2016.



4. Taking into consideration of the fact that the petitioner is 73 years old and that the co-accused has been released on bail and further it will take some time for the disposal of the main appeal. This Court is inclined to suspend the sentence of imprisonment and grant bail to the petitioner.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the District Fast Track Mahila Court, Sivagangai and on further condition that:

- (i) the sureties shall affix his photograph and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of his Aadhar Card or Bank Pass Book to ensure his identity.
- (ii) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

sd/-

19/01/2018

/ TRUE COPY /

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

TO

- 1 THE JUDGE,
THE DISTRICT FAST TRACK MAHILA COURT, SIVAGANGAI.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, SELAM.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KARAIKUDI, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.M.SUBASH BABU Advocate SR.No.1011

ORDER IN
CRL MP(MD) No.12 of 2018 IN
CRL A(MD) No.2 of 2018
Date :19/01/2018