



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

Thursday, the Sixteenth day of August Two Thousand Eighteen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL MP (MD) No.4893 of 2018

IN

CRL A (MD) No.287 of 2018

ARIVAZHAGAN

... PETITIONER/APPELLANT

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
MEDICAL COLLEGE POLICE STATION,
THANJAVUR & DISTRICT,
CRIME NO,298/2015

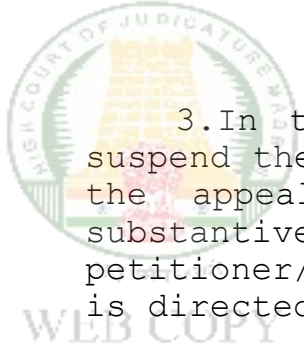
... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of Imprisonment imposed by the Learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur in SSC.No.5/2016 by the Judgement dated 03/05/2018 and enlarge the Petitioner/Appellant on bail pending disposal of the above Crl.A

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.M.KARUNANITHI, Advocate for the petitioner and of MR.A.ROBINSON, Government Advocate (Crl.Side) on behalf of the Respondents the court made the following order:-

Heard the learned counsel for the petitioner/appellant and the learned Government Advocate (Criminal side), for the respondent police.

2.The petitioner was prosecuted for the offences under Section 366(A) IPC and Section 8 of POCSO Act, 2012. After trial, the Trial Court has found him guilty for the offences under Section 363 IPC and Section 7 read with 18 of POCSO Act, 2012. Though specific charge was not made for those two offences, invoking the power under Section 222 Cr.P.C., the Trial Court has found the petitioner/appellant guilty for minor charges, though he was charged for the major offences. Certain arguable points have been raised by the learned counsel for the petitioner/ appellant.



3. In the light of the above fact, this Court is inclined to suspend the substantive sentence of imprisonment pending disposal of the appeal. Accordingly, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner/appellant alone is suspended and the petitioner/appellant is directed to be enlarged on bail, on the following conditions:

The petitioner executes a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur, and on further condition that the petitioner shall report before the concerned Court on the first working day of every English calendar month at 10.30 a.m. until further orders.

sd/-
16/08/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR DISTRICT
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT
 - 3 THE INSPECTOR OF POLICE,
MEDICAL COLLEGE POLICE STATION, THANJAVUR & DISTRICT
 - 4 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to MR.M.KARUNANITHI, Advocate SR.No.15755

ORDER
IN
CRL MP (MD) No.4893 of 2018
IN
CRL A (MD) No.287 of 2018
Date :16/08/2018

PK/VR/SAR-1/23.08.2018 : 2P/7C