



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

Friday, the Third day of August Two Thousand Eighteen  
PRESENT

**The Hon`ble Mrs.Justice R.THARANI**

CRL MP(MD) No.6208 of 2018

IN

CRL A(MD) No.348 of 2018

WEB COPY

MAHENDRAN

... APPELLANT/ SINGLE ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
TALLAKULAM, MADURAI DISTRICT.  
CRIME NO.39/2015

... RESPONDENT/ COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence in Spl.SC.No.4/2016 dated 06/07/2018 passed by the Learned Sessions Judge, Mahila Court, Madurai and enlarge the petitioner 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.S.RAVI, Advocate for the petitioner and of Mr.K.SUYAMBULINGA BHARATHI, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

Heard Mr.S.Ravi, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl.Side) appearing for the respondent.

2.This Petition is filed to suspend the sentence passed against the petitioner imposed by the learned Sessions Judge, Mahila Court, Madurai in C.No.4 of 2016 dated 06.07.2018 pending disposal of the appeal.

3.The case of the petitioner is that the petitioner misbehaved with the minor child aged about 12 years. On 07.10.2015, the case was registered against the petitioner under Section 7 and 8 of the POSCO Act and the petitioner was convicted under Section 8 r/w. 18 of the POSCO Act to undergo 2 ½ years Rigorous Imprisonment and to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) in default to undergo three months Simple Imprisonment.

4.On the side of the petitioner, it is stated that the petitioner is residing in the same apartment wherein P.W.6 who is the victim is also residing. Victim's mother is running a beauty parlour which was objected by the petitioner and with this motive, this false case is foisted and it is prayed that the sentence to be suspended till the disposal of the appeal.



5. On the side of the respondent, it is stated that the petitioner is the Sub-Inspector of Police aged about 59 years and he misbehaved with 12 years old female victim child who is studying 5<sup>th</sup> standard. P.W.1 and 4 are the mother and father of the victim respectively and the accused tried to hug the victim.

6. On the side of the respondent, it is stated that prosecution has examined 15 witnesses and marked 5 documents. The evidence of P.W.6 co-relates with the evidence of P.Ws.1 and 2. No parents will come forward to spoil the reputation of the female child and prayed to dismiss the petition.

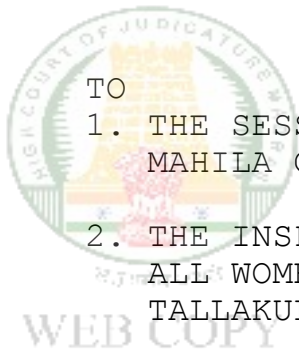
7. Records perused. The petitioner is a retired Sub Inspector of Police aged about 59 years and it is stated that he has age related ailments and the lower Court has already suspended the sentence. An opportunity for the petitioner to put forth his case is to be given. The appeal is not likely to be taken up for final hearing in the near future, hence this Court is inclined to grant suspension of sentence until further orders, 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 learned Sessions Judge, Mahila Court Madurai and on further condition that:

- (i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (ii) the petitioner shall appear before the Trial Court weekly once (I.e. Monday) 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.
- (iii) The petitioner is directed to appear in person as and when required before this Court and before the trial Court.
- (iv) The petitioner has to co-operate with the Court for speedy disposal of the case.

7. Post after four weeks 'for hearing the main appeal'.

sd/-  
03/08/2018

/ TRUE COPY /



TO

1. THE SESSIONS JUDGE,  
MAHILA COURT, MADURAI.

2. THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
TALLAKULAM, MADURAI DISTRICT.

3. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. C.C. to Mr.S.RAVI Advocate SR.No.15059

ORDER

IN

CRL MP (MD) No.6208 of 2018

IN

CRL A (MD) No.348 of 2018

Date :03/08/2018

**MS/PN/SAR-1/06.08.2018/3P.5C**