

Crl.M.P.No.8264 of 2019
in
Crl.A.No.544 of 2018

P.N. PRAKASH, J.

The appellant was convicted in S.C.No.183 of 2015 of the offences under Section 363 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, on 02.08.2018, by the Sessions Judge, Mahila Court, Chennai, and was sentenced to undergo various terms of imprisonment, the maximum being 10 years of Rigorous Imprisonment.

2.On reading the evidence of the victim girl, it is seen that, she was 17 years old and the appellant was 22 years old as on the date of incident, i.e. on 26.12.2014. Both of them were students. The victim girl has stated that she was in love with the appellant and she had voluntarily gone with him to various places and had sexual intercourse with him. Of course, that cannot be a good reason to condone the act of the appellant. The appellant is in incarceration from 02.08.2018.

3.The appellant has arguable points in this appeal, which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the appellant is entitled to the relief of suspension of sentence and grant of bail.

P.N. PRAKASH, J.

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4. Accordingly, the substantive sentence of imprisonment alone is suspended and the appellant shall be released on bail on him 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 Sessions Judge, Mahila Court, Chennai, and on further conditions that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge, Mahila Court, Chennai, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(ii) on release, the appellant shall appear before the trial Court on the first working day of every month, 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.

5. Accordingly, this petition is allowed.

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To :

The Sessions Judge,
Mahila Court,
Chennai

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27.06.2019

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