

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Eighth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.7324 of 2019

IN CRL A.324/2019

MUNIVEL

[APPELLANT / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

INSPECTOR OF POLICE,
THOPPUR POLICE STATION,
DHARMAPURI DISTRICT.
CR.NO.351 OF 2016.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.324/2019 on the file of the High Court, the High Court will be pleased to enlarge the petitioner/appellant on bail by suspending the sentence imposed in Spl.C.C.No.25 of 2017 on the file of the Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Dharmapuri on 14.02.2019 pending disposal of the above appeal in CRL A.324/2019 [IN CRL.MP.NO.7324 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.324/2019 on the file of the High Court and upon hearing the arguments of M/S.L.BASKARAN, Advocate for the petitioner and of M/S. KRITIKA KAMAL P, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

The petitioner has been convicted in Special S.C.No.25 of 2017 dated 14.02.2019 by the Sessions Judge, Mahila Court, Dharmapuri, for the offences under Section 366-A IPC, Section 10 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and Section 17 r/w 16 of the POCSO Act and has been sentenced to undergo various terms of imprisonment, maximum being 10 years Rigorous Imprisonment. Challenging the conviction and sentence, the petitioner has preferred the present Appeal and Crl.MP.No.7324 of 2019 seeking suspension of sentence and bail.

2. It is the case of the prosecution that the victim girl, aged about 15 years, was in love with A1, who was a juvenile and she had eloped with him and on 04.11.2016, this petitioner is said to have helped the juvenile accused-A1 to get a house on rent. The trial as against the juvenile accused-A1 is pending before the Juvenile Justice Board, whereas, this petitioner faced prosecution before the regular Court and has suffered conviction and sentence as stated above.

3. Head the learned counsel for the petitioner and the learned Government Advocate for the respondent.

4. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. Moreover, the petitioner has been in incarceration from the date of the judgment, viz., 14.02.2019. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on 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, Magalir Neethi Mandram (Fast Track Mahila Court), Dharmapuri and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Dharmapuri, 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 on the first working day of every month until 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/-
28/06/2019

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 SESSIONS JUDGE,
MAGALIR NEETHI MANDRAM
[FAST TRACK MAHILA COURT],
DHARMAPURI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THOPPUR POLICE STATION,
DHARMAPURI DISTRICT.

+1C.C. to M/S.L.BASKARAN Advocate on payment of necessary
charges SR NO.12997

Order

in
CRL MP.7324/2019

in
CRL A.324/2019

Date :28/06/2019

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copies of the BAIL/Anti.BAIL Orders in this format

MK:02/07/2019

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