

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twentieth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.6676 of 2019

IN CRL A.280/2019

DHANAPAL

[PETITIONER]

Vs

THE DEPUTY SUPERINTENDENT OF
POLICE, RASIPURAM,
NAMAKKAL DISTRICT.
CR.NO.74 OF 2013

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.280 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence made in judgment in SC No.88 of 2014 dated 20.08.2018 on the file of Principal Sessions Judge, Namakkal.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.280 of 2019 on the file of the High Court and upon hearing the arguments of M/S.S.N.ARUNKUMAR, Advocate for the petitioner and of MR. KRITIKA KAMAL.P, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

The petitioner was convicted on 20.08.2018 by the Principal Sessions Judge, Namakkal, in S.C.No.88 of 2014 for the offences under Sections 376(i) & 417 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998, amended as per Tamil Nadu Act, 2002, and was sentenced to undergo various terms of imprisonment, the maximum being 7 years Rigorous imprisonment. Challenging the conviction and sentence, the petitioner has filed the present appeal and Crl.MP.No.6676 of 2019 seeking suspension of sentence and bail.

2. Heard Mr.S.N.Arunkumar, learned counsel for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (Crl. Side) for the respondent.

3. On a reading of the judgement of the trial Court, it appears that the petitioner had consensual sex with the de facto complainant on the promise of marrying her and thereafter, reneged.

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 is in

incarceration from the year 2018. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on the following conditions:

(a) The petitioner is ordered to be released on bail on he 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 Judicial Magistrate, Rasipuram.

(b) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate, Rasipuram, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(c) 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.

Accordingly, this Criminal Miscellaneous Petition is ordered.

-sd/-

20/08/2019

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 JUDICIAL MAGISTRATE,
RASIPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF
POLICE, RASIPURAM, NAMAKKAL DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

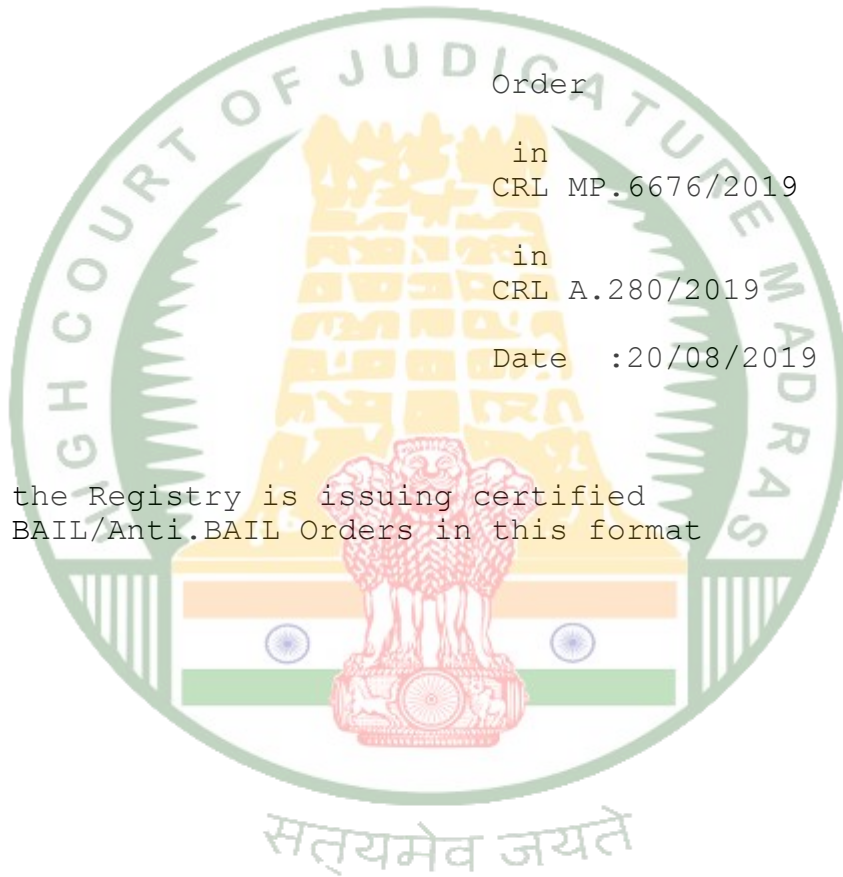
6 THE PRINCIPAL SESSIONS JUDGE
NAMAKKAL.

C.C. to M/S.S.N.ARUNKUMAR Advocate on payment of necessary
charges SR.NO.17281

Order
in
CRL MP.6676/2019
in
CRL A.280/2019
Date :20/08/2019

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RVR 20/08/2019



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