

Crl.M.P.No.6802 of 2019

in

Crl.A.No.301 of 2019

P.N. PRAKASH, J.

The petitioner has been convicted in Spl.S.C.No.1 of 2016 on 20.05.2019 by the Mahila Court, Salem, for the offences under Section 363 IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012, and has been sentenced to undergo various terms of imprisonment, the maximum being three years rigorous imprisonment.

2.Challenging the conviction and sentence, the petitioner/appellant has filed the present appeal and has sought for suspension of sentence and grant of bail.

3.On a reading of the evidence of the victim girl, it is seen that the petitioner had not committed any penetrative sexual assault and had only allegedly carried the victim girl to a bush and had assaulted her. Moreover, there are 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 petitioner/appellant is entitled to the relief of suspension of sentence and grant of bail.

4.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner 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 District and Sessions

Judge, Mahila Court, Salem, and on further conditions that:

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

(ii) on release, the petitioner 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.

This petition is ordered accordingly.

22.08.2019

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Copy to :

The District and Sessions Judge,
Mahila Court,
Salem.

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