

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Third day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.7308 of 2019

IN CRL A.322/2019

M.SABARI

[APPELLANT / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

INSPECTOR OF POLICE,
ALL WOMENS POLICE STATION,
KRISHNAGIRI.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.322/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner in S.S.C.No.40 of 2018 on the file of the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri, judgement dated 16.05.2019 and enlarge the petitioner on bail pending disposal of the CRL A.322/2019 [IN CRL.MP.NO.7308 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.322/2019 on the file of the High Court and upon hearing the arguments of M/S.S.RANJITH KUMAR, 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:-

This is a petition to suspend the sentence imposed on the petitioner by the Sessions Judge (Fast Track Mahila Court), Krishnagiri, in S.C. No.40 of 2018 on 16.05.2019 and to enlarge the petitioner on bail.

2. The petitioner, who was an accused in S.C. No.40 of 2018 before the Sessions Judge (Fast Track Mahila Court), Krishnagiri, was convicted for various terms of imprisonment, the maximum being five years rigorous imprisonment.

3. Challenging the conviction and sentence, the petitioner has filed the present appeal and is also seeking suspension of sentence and bail.

4. It is the case of the prosecution that the petitioner had sexually assaulted the victim girl "X" on the false promise of marrying her.

5. On reading the statement under Section 164 Cr.P.C. of the victim girl "X", it appears that she was in love with the petitioner and had eloped with him voluntarily.

5. 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 confined in Prison. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

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

(i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Trial Court.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioner shall appear before the Trial Court on the first working day of every month until the disposal of the appeal and if they are 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 their absence, as directed by the Trial Court.

-sd/-
03/07/2019

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,
(FAST TRACK MAHILA COURT),
KRISHNAGIRI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMENS POLICE STATION,
KRISHNAGIRI.

+1C.C. to M/S.S.RANJITH KUMAR Advocate on payment of necessary
charges SR NO.13334

Order

in
CRL MP.7308/2019

in
CRL A.322/2019

Date :03/07/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

MK:09/07/2019