

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.8259 of 2018

IN CRL A.343/2018

BAIRAPPA

[PETITIONER / APPELLANT / ACCUSED]

Vs

STATE BY THE

[RESPONDENT]

INSPECTOR OF POLICE,
MATHIGIRI POLICE STATION,
KRISHNAGIRI DISTRICT.

[*]CR. NO.367/2011.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.343/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed against the petitioner in S.C.No.52/2017 on the file of the Learned Sessions Judge (Fast Track Magila Court), Krishnagiri, Krishnagiri District dated 23.05.2018 and enlarge the petitioner on bail pending disposal of the said CRL A.343/2018 [IN CRL.MP.NO.8259 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.343/2018 on the file of the High Court and upon hearing the arguments of M/S.E.KANNADASAN, Advocate for the petitioner [IN CRL.MP.NO.8259 OF 2019 IN CRL.A.NO.343 OF 2018] and M/S.M.P.SARAVANAN Advocate for the petitioner [IN CRL.MP.NO.10263 OF 2019 IN CRL.A.NO.343 OF 2018] and of MR. G.RAMAR, Govt. Advocate (Crl. Side) [IN CRL.MP.NO.8259 OF 2019 IN CRL.A.NO.343 OF 2018] and M/S. KRITIKA KAMAL P, Govt. Advocate (Crl. Side) [IN CRL.MP.NO.10263 OF 2019 IN CRL.A.NO.343 OF 2018] 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.52 of 2017 on 23.05.2018 and to enlarge the petitioner on bail.

2. The petitioner, who was an accused in S.C. No.52 of 2017 before the Sessions Judge (Fast Track Mahila Court), Krishnagiri, was convicted for the offences **[*]under Sections 376 and 506 (I) IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998 (for brevity " the TNPHW Act")** for various terms of imprisonment, the maximum being seven years rigorous imprisonment.

3. It is the case of the prosecution that the petitioner had raped his daughter-in-law (PW1) and thereafter threatened her.

4. On reading the complaint given by PW1 and her evidence, she has stated that the appellant was having sexual relationship with her for six months prior to the lodging of the FIR. However, she had not complained of this even to her husband.

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 in incarceration from the date of the judgment, viz., 23.05.2018. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

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 Judicial Magistrate No.I Court, Hosur.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate No.I Court, Hosur, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

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(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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

[*]Crime Number is amended as per order of this Court dated 01/08/2019 made IN CRL.MP.NO.10263 OF 2019 IN CRL.A.NO.343 OF 2018

TO

1 THE SESSIONS JUDGE,
[FAST TRACK MAGILA COURT],
KRISHNAGIRI, KRISHNAGIRI DISTRICT.

2 THE JUDICIAL MAGISTRATE,
NO.I, HOSUR.

3 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MATHIGIRI POLICE STATION,
KRISHNAGIRI DISTRICT.

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+1C.C. to M/S.E.KANNADASAN Advocate on payment of necessary charges SR NO.16393

Order

in
CRL MP.8259/2018

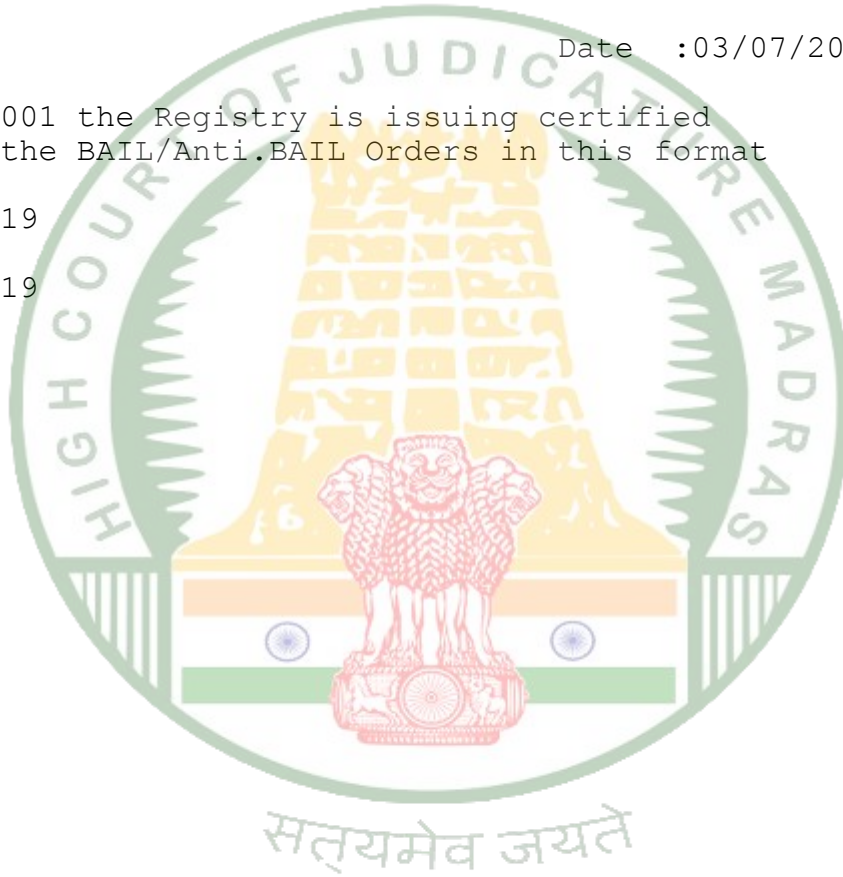
in
CRL A.343/2018

Date :03/07/2019

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

MK:08/07/2019

MK:06/08/2019



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