

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.11581 of 2019

IN CRL A.513/2019

IZHANSURIYAN

[PETITIONER/APPELLANT/ACCUSED]

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PALLADAM,
TIRUPPUR DISTRICT.
(CRIME NO.168/2016).

[RESPONDENT/COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To enlarge the petitioner on bail by suspending the sentence imposed in SPL S.C.No.25/2016 on the file of Magalir Neethimandram (Fast Track Mahila Court), Tiruppur pending disposal of the Crl.A.No.513/2019 .

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.T.MURUGANANTHAM, 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 was convicted on 08.01.2018 by the Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court) Tiruppur in Spl.S.C.No.25 of 2016 for the offences under Section 7 r/w 8 of the Protection of Children from Sexual Offences Act, 2012 and was sentenced to undergo 5 years Rigorous imprisonment with fine of Rs.10,000/- in default to undergo one year Rigorous imprisonment. Challenging the conviction and sentence, the petitioner has filed the present appeal and Crl.MP.No.11581 of 2019 seeking suspension of sentence and bail.

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

3. It is the case of the prosecution that the petitioner had bitten the upper lip of the victim girl, who was a minor, aged about 15 years at the time of incident.

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 since 08.01.2018. 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 Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court) Tiruppur.

(b) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court) Tiruppur, 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 MAGALIR NEETHIMANDRAM
(FAST TRACK MAHILA COURT) TIRUPPUR.

2 THE SESSIONS JUDGE,
MAGALIR NEETHIMANDRAM
(FAST TRACK MAHILA COURT)
TIRUPPUR.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PALLADAM,
TIRUPPUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.T.MURUGANANTHAM Advocate on payment of necessary
charges SR.NO.17316

Order
in
CRL MP.11581/2019

in
CRL A.513/2019

Date :20/08/2019

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