

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighteenth day of October Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION NO.14829 OF 2019

IN CRL.A.NO.713 OF 2019

ARAVINTHAN

[PETITIONER / APPELLANT / ACCUSED]

Vs

THE STATE REP. BY
INSPECTOR OF POLICE,
ARUMBAVUR POLICE STATION,
PERAMBALUR DISTRICT
(CR.NO.169/2019).

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.713 OF 2019 on the file of the High Court, the High Court will be pleased to order enlarge the petitioner on bail by suspend the sentence passed in Spl.S.C.No.2/2019 dated 20.09.2019 on the file of Mahila Court at Perambalur, CRL.A.NO.713 OF 2019 [IN CRL.MP.NO.14829 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.713 OF 2019 on the file of the High Court and upon hearing the arguments of M/S. T.BALACHANDRAN, Advocate for the petitioner and of MR.M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

- 1.This Criminal Miscellaneous Petition has been filed by the Appellant /Accused, seeking suspension of sentence of imprisonment, imposed by the judgment, dated, 20.09.2019, made in S.C.No.2/2019, by the Mahila Court at Perambalur and enlarge the appellant on bail, pending disposal of the Criminal Appeal.
- 2.This court heard the learned counsel on either side and also perused the materials placed on record.
- 3.In and by the impugned judgement, the Appellant/ accused was convicted for the offence under Section 451 of IPC and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.1,000/-, and also convicted for the offence under Section 7 r/w 8 of Protection of Children from Sexual Offences Act 2012 and sentenced to undergo three years of rigorous imprisonment and to pay a fine of Rs.3000/-, both sentences were ordered to run concurrently.

4. The learned counsel for the petitioner would submit that the Mahila Court, Preambalur has suspended the sentence of imprisonment till 22.10.2019. According to the learned counsel for the Appellant/ accused, there are arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the Appellant/ accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the Appellant/Accused may be suspended.
5. The learned Additional Public Prosecutor has raised objections for suspending the sentence.
6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment alone is suspended and the Appellant/ accused is ordered to be enlarged on bail, on the following conditions:-
- i. The Appellant/ accused shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the the Mahila Court at Perambalur.
 - ii. The Appellant/ accused shall report before the trial court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-

18/10/2019

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 MAHILA COURT,
PERAMBALUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ARUMBAVUR POLICE STATION,
PERAMBALUR DISTRICT.

C.C. to M/S. T.BALACHANDRAN Advocate on payment of necessary
charges

Order

in

CRL MP.14829/2019

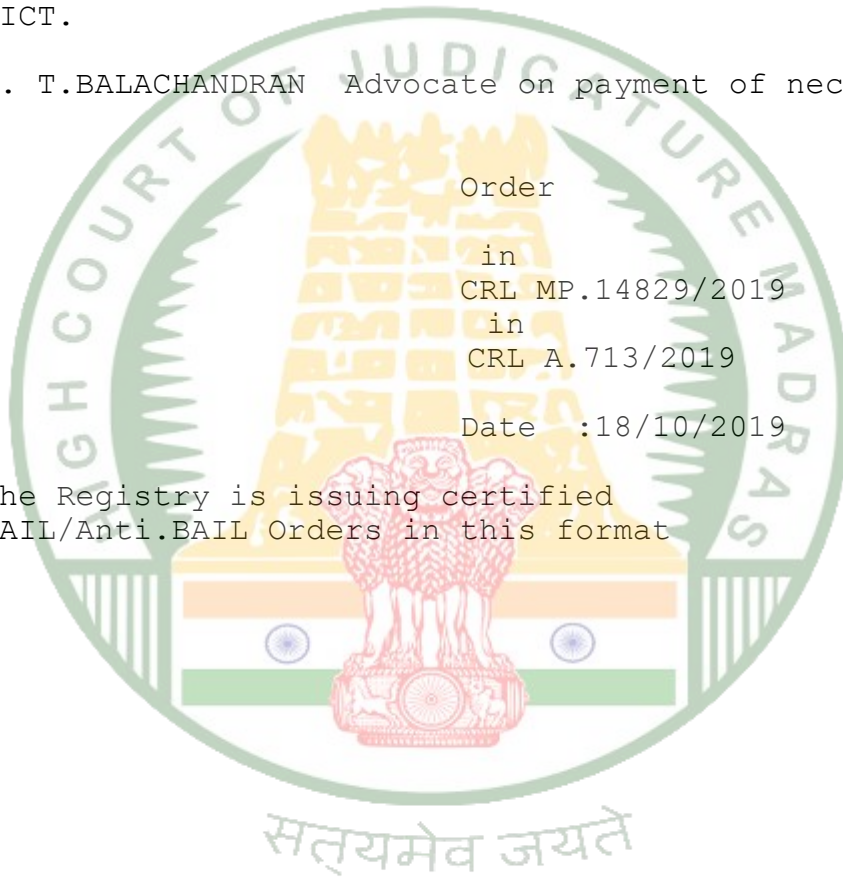
in

CRL A.713/2019

Date :18/10/2019

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

MK:18/10/2019



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