

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of November Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.16253 of 2019

IN CRL.A.NO.761 OF 2019

SASIKUMAR

[PETITIONER]

vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
BHAVANISAGAR POLICE STATION,
ERODE DISTRICT,
CRIME NO.95/2018.

(INVESTIGATED BY ALL WOMEN PLICE STATION
SATHYAMANGALAM]
ERODE DISTRICT.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.761/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence and enlarge the petitioner on bail in connection with Special S.C.No.18/2018 dated 22.10.2019 on the file of the Court of Sessions, Magalir Neethi Mandram, (Fast Track Mahila Court), Erode, pending disposal of the criminal appeal.[CRL.MP.NO.16253/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.761/2019 on the file of the High Court and upon hearing the arguments of S.KUMAR, Advocate for the petitioner and of MR.M.MOHAMED RIYAZ,ADDL.PUBLIC PROSECUTOR for[r-1] on behalf of the Respondent the court made the following order:-

- 1.This Criminal Miscellaneous Petition has been filed by the petitioner/A1, seeking suspension of sentence of imprisonment, imposed by the judgment, dated, 22.10.2019, made in Special S.C.NO.18 of 2018, by the Court of Sessions, Magalir Neethi Mandram (Fast Track Mahila Court), Erode, 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 petitioner/ A1 was convicted and sentenced for the offence under Section 11(i) of the Protection of Children from Sexual Offences Act, 2012 to undergo three year Rigorous Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months Simple Imprisonment.
4. According to the learned counsel for the petitioner/A1, 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 petitioner/ A1 has got a fair chance of succeeding in the Criminal Appeal and that the petitioner/A1 was present before the Trial Court on the date of judgment and he has also paid fine amount and that the Trial Court has suspended the sentence imposed on the petitioner/accused till 21.11.2019 hence, the substantive sentence imposed against the petitioner/A1 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 petitioner/ A1 is ordered to be enlarged on bail, on the following conditions:-
- i. The petitioner/ A1 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 Court of Sessions, Magalir Neethi Mandram, (Fast Tract Mahila Court), Erode.
 - ii. The petitioner/A1 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/-

08/11/2019

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 COURT OF SESSIONS
MAGALIR NEETHI MANDRAM[FAST TRACK MAHILA COURT
ERODE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
BHAVANISAGAR POLICE STATION,
ERODE DISTRICT,
(INVESTIGATED BY ALL WOMEN PLICE STATION
SATHYAMANGALAM]
ERODE DISTRICT.

C.C. to M/S.S.KUMAR Advocate on payment of necessary charges
SR.NO.

Order

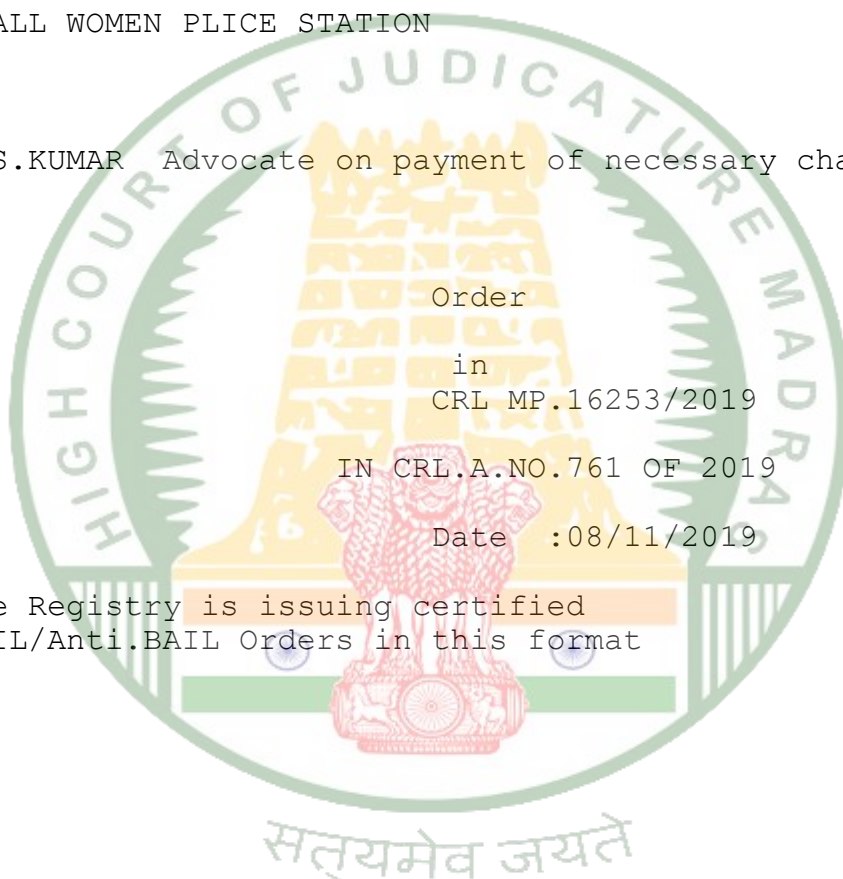
in

CRL MP.16253/2019

IN CRL.A.NO.761 OF 2019

Date :08/11/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 08/11/2019



WEB COPY