

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.M.P.No.4020 of 2020

in Crl.A.No.239 of 2020

Nagaraj

.. Petitioner/Accused

Vs.

State represented by
The Inspector of police,
All Women Police Station,
Denkanikottai,
Krishnagiri District.

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioner by judgment and order dated 19.02.2020 passed in Spl.S.C.No.57 of 2018 on the file of the Sessions Court (Fast Track Mahila Court), Krishnagiri and to enlarge the petitioner on bail till the disposal of the appeal.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.K.Madhan
Government Advocate (Crl. Side)

O R D E R

This case is taken up through video conferencing.

2. This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order dated 19.02.2020 passed in Spl.S.C.No.57 of 2018 on the file of the Sessions Court (Fast Track Mahila Court), Krishnagiri and to enlarge the petitioner on bail till the disposal of the appeal.

3. The petitioner, who was an accused in Spl.S.C.No.57 of 2018 before the Sessions Court (Fast Track Mahila Court), Krishnagiri, was convicted of the offences under Section 366 IPC and Section 5(1) r/w 6 of the Protection of Children from Sexual Offences Act, 2012 (for brevity "the POCSO Act") and sentenced as follows:

S.No.	Provision under which convicted	Sentence
1	Section 366 IPC	Five years rigorous imprisonment and fine of Rs.2,000/-, in default to undergo six months rigorous imprisonment.
2	Section 5(1) r/w 6 of the POCSO Act	Ten years rigorous imprisonment and fine of Rs.2,000/-, in default to undergo one year rigorous imprisonment.

4. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.239 of 2019 along with the instant miscellaneous petition seeking suspension of sentence and bail.

5. Heard Mr.M.P.Saravanan, learned counsel for the petitioner and Mr.K.Madhan, learned Government Advocate (Crl.Side) for the respondent/State.

6. It is the case of the prosecution that the victim girl "X" (name not disclosed for the sake of anonymity), who had completed her XII standard and was over 17 years of age, was in love with the petitioner and eloped with him on 15.06.2018 to get married.

7. On the complaint lodged by "X's" parents, she was rescued by the police and her statements under Section 164 Cr.P.C. was recorded, wherein, she has stated that she was in love with the petitioner. However, during trial, she projected the case as if she was forcibly abducted by the petitioner and ravished.

8. 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 19.02.2020. 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.

9. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The petitioner shall execute 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 Court (Fast Track Mahila Court), Krishnagiri;

- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge (Fast Track Mahila Court), Krishnagiri, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the 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.

-sd/-

31/07/2020

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 OF PRISON,
CENTRAL PRISON, VELLORE

3 THE PUBLIC PROSECUTOR
MADRAS HIGH COURT,
CHENNAI-600 104.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DENKANIKOTTAI,
KRISHNAGIRI DISTRICT.

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C.C. to M/S. M.P.SARAVANAN Advocate on payment of necessary charges

Order

in
CRL MP.4020/2020

in
CRL A.239/2020

Date :31/07/2020

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

MK:31/07/2020



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