



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Third day of January Two Thousand Twenty

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PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.12870 of 2019

IN CRL A.845/2018

KUMAR

[PETITIONER / APPELLANT]

Vs

STATE BY

[RESPONDENT]

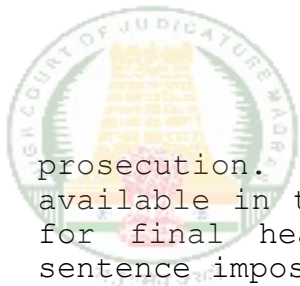
THE INSPECTOR OF POLICE,
PENNAGARAM,
DHARMAPURI DISTRICT.
CRIME NO.13 OF 2015.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.845/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the Petitioner/Appellant herein in SC.No.51 of 2016 by judgment dated 11.12.2018 passed by the learned Principal Sessions Judge, Dharmapuri, Dharmapuri District and enlarge the petitioner on bail pending disposal of the CRL A.845/2018 [IN CRL.MP.NO.12870 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.845/2018 on the file of the High Court and upon hearing the arguments of M/S.M.R.JOTHIMANIAN, Advocate for the petitioner and of MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner/appellant faced trial in S.C.No.51 of 2016 on the file of learned Principal Sessions Judge, Dharmapuri. Under judgment dated 11.12.2018, the trial Court found the petitioner guilty under Section 376 (1) IPC and sentenced him to undergo Rigorous imprisonment for a period of seven years and to pay compensation of Rs.5,00,000/- within a period of one month to the victim. Aggrieved over the same, the petitioner has filed this Criminal Appeal along with the petition seeking suspension of sentence.

2. It is submitted by the learned counsel for the petitioner/accused that a sum of Rs.2,00,000/- has already been remitted as directed and he has also produced a receipt before this Court to that effect. He further submitted that there are several infirmities and inconsistencies in the prosecution case and there are also contradictions in material particulars in the evidence of the



prosecution. He also submitted that there are arguable points available in this Criminal Appeal, which is not likely to be taken up for final hearing in the near future and hence, the substantive sentence imposed against the petitioner may be suspended.

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3. Heard learned Additional Public Prosecutor on the submissions made by the learned counsel for petitioner.

4. Considering the facts and circumstances of the case and taking into account the submissions made by the learned counsel on either side, this Court is of the view that the petitioner herein can be granted the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner herein is directed to be enlarged on bail on the following conditions:-

- a) The Petitioner/Accused is ordered to be released on bail, on his 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 learned Judicial Magistrate, Palacode, Dharmapuri District;
- b) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities; and
- c) The Petitioner/ Accused shall appear before the learned Magistrate 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, due to unavoidable circumstances, he shall make arrangements to file an application under Section 317 of Cr.PC. and shall appear before the Trial Court on any other day in lieu of his absence, as directed by the Trial Court. Such an application shall not be entertained often.
- d) On the failure of any of the above conditions by the Petitioner/Accused, it is open to the Trial Court to commit the Petitioner / Accused into custody for undergoing the sentence.

-sd/-
03/01/2020

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, DHARMAPURI,
DHARMAPURI DISTRICT.

2 THE PRINCIPAL SESSIONS JUDGE,
DHARMAPURI, DHARMAPURI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PENNAGARAM, DHARMAPURI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE JUDICIAL MAGISTRATE,
PALACODE, DHARMAPURI DISTRICT.

7 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI. [FOR INFORMATION]

+1 C.C. to M/S.M.R.JOTHIMANIAN Advocate on payment of necessary
charges SR.NO.82

Order

in
CRL MP.12870/2019
in
CRL.A.NO.845/2018

Date :03/01/2020

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TA-03/01/2020