

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.M.P.No.15053 of 2019

in Crl.A.No.459 of 2019

A.Vijay @ VijayakumarPetitioner/Accused

Vs.

State represented byRespondent/Complainant
The Inspector of police,
All Women Police Station,
Perambalur District.

Criminal Miscellaneous Petition filed under Section 374(1) Cr.P.C. to suspend the sentence imposed on the petitioner by judgment and order dated 30.05.2019 passed in S.C.No.39 of 2018 on the file of the Sessions Mahila Court, Perambalur and to enlarge the petitioner on bail till the disposal of the appeal.

For Petitioner : Mr.G.Ravikumar
for Mr.S.Ravichandran

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

ORDER

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 30.05.2019 passed in S.C.No.39 of 2018 on the file of the Sessions Mahila Court, Perambalur and to enlarge the petitioner on bail till the disposal of the appeal.

3. The petitioner, who was an accused in S.C.No.39 of 2018 before the Sessions Mahila Court, Perambalur, was convicted of the offences under Sections 417 and 376 IPC and sentenced as follows:

S.No.	Provision under which convicted	Sentence
1	Section 417 IPC	One year rigorous imprisonment and fine of Rs.2,000/-, in default to undergo three months simple imprisonment.
2	Section 376 IPC	Twelve years rigorous imprisonment and fine of Rs.5,000/-, in default to undergo three years simple imprisonment.

4. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.459 of 2019 along with the instant miscellaneous petition suspension of sentence and bail.

5. Heard Mr.G.Ravikumar, learned representing counsel for Mr.S.Ravichandran, 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 petitioner and PW1 (victim girl) were in love with each other and on the promise of marrying her, the petitioner is said to have had physical relationship with her and thereafter had gone back on the promise of marriage.

7. On 25.02.2019, this Court passed the following order:
"Heard the learned counsel for the petitioner and the learned Additional Public prosecutor for the respondent.

2. Considering the facts and circumstances of the matter, this Court directs the petitioner to deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) to the credit of S.C.No.39 of 2018 on the file of the learned Sessions Judge, Mahila Court, Perambalur, on or before 18.03.2020 and produce a receipt to that effect before this Court, for passing appropriate orders in the Miscellaneous Petition seeking suspension of sentence.

3. Post the matter on 19.03.2020."

8. Pursuant to the said order, the petitioner has deposited a sum of Rs.1,50,000/- in the trial Court vide Receipt No.A388847 dated 09.03.2020.

9. 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 30.05.2019. 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.

10. 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 Mahila Court, Perambalur;
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge, Mahila Court, Perambalur, 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/-

30/07/2020

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,
MAHILA COURT, PERAMBALUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PERAMBALUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON AT TRICHY

+2 C.C. to M/S.S.RAVICHANDRAN Advocate on payment of necessary charges SR.NO.5814

Order

in
CRL MP.15053/2019

in
CRL A.459/2019

Date :30/07/2020

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

TA-05/08/2020



WEB COPY