

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2020

CORAM

THE HON'BLE Mr. JUSTICE P.N. PRAKASH

Crl.M.P.No.14320 of 2018

in Crl.A.No.665 of 2018

Mohan

..

Petitioner

Vs.

State represented by
The Inspector of Police,
All women Police Station,
Hosur, Krishnagiri District.
(Crime No.5 of 2013)

..

Respondent

Criminal Miscellaneous Petition filed under Section 389 (1) Cr.P.C. to suspend the sentence imposed on the petitioner by judgment and order dated 28.05.2018 passed in S.C.No.42 of 2015 on the file of the Sessions Court (Fast Track Mahila Court), Krishnagiri and to enlarge him on bail, pending disposal of the appeal.

For Petitioner : Mr.T.Padmanabhan

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

O R D E R

This case is taken up through video conferencing.

2. This petition is filed seeking to suspend the sentence imposed on the petitioner, by judgment and order dated 28.05.2018 passed in S.C.No.42 of 2015 on the file of the Sessions Court (Fast Track Mahila Court), Krishnagiri and to enlarge him on bail, pending disposal of the appeal.

3. The petitioner, who was an accused in S.C.No.42 of 2015 before the Sessions Court (Fast Track Mahila Court), Krishnagiri, was convicted of the offence under Sections 363 and 506(II) IPC and Section 3 r/w 4 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 363 IPC	Four years rigorous imprisonment and fine of Rs.1,000/-, in default to undergo three months rigorous imprisonment.
2	Section 506 (II) IPC	Six months rigorous imprisonment and fine of Rs1,000/-, in default to undergo one month rigorous imprisonment.
3	Section 3 r/w 4 of POCSO Act	Seven years rigorous imprisonment and fine of Rs.3,000/-, in default to undergo one year rigorous imprisonment.

4. Challenging the above conviction and sentences, the petitioner has filed the above appeal and suspension of sentence and bail.

5. Heard Mr.T.Padmanabhan, learned counsel for the petitioner and Mrs.D.Madhan Kumar, learned Government Advocate (Crl.Side) for the respondent/State.

6. The learned counsel for the petitioner submitted that the maximum sentence imposed on the petitioner is seven years rigorous imprisonment, out of which, he has already served two years and one month in prison and the possibility of the appeal being taken up for final hearing appears to be remote in view of COVID-19 pandemic situation and hence, prays for suspension and sentence and bail.

7. Per contra, the learned Government Advocate (Crl.Side) opposed the plea and submitted that there are sufficient materials on record to implicate the petitioner.

8. This Court gave its anxious consideration to the rival submissions.

9. As submitted by the learned counsel for the petitioner, out of seven years rigorous imprisonment, the petitioner served two years excluding the pretrial detention. The learned counsel for the petitioner also submitted that he is ready to get along with the main case as soon as the lock down is lifted and physical hearing is permitted.

10. In view of the above, this Court is of the view that interests of justice will be served if the interim suspension of sentence and bail is granted to the petitioner for a period of two months, with the idea to decongest the prison.

11. Accordingly, the relief of interim suspension of sentence and bail is granted to the petitioner till 18.09.2020 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 Judicial Magistrate Court No.II, Hosur;
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate No.II, Hosur, 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.

The Registry is directed to post Crl.A.No.665 of 2018 for final hearing on 19.08.2020. If the petitioner does not cooperate with the disposal of the main appeal, the interim bail granted by this Court will be cancelled automatically.

-sd/-

24/07/2020

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 JUDICIAL MAGISTRATE,
NO.II, HOSUR

2 THE SESSIONS JUDGE,
(FAST TRACK MAHILA COURT), KRISHNAGIRI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE SUPERINTENDENT OF
PRISON, CENTRAL PRISON, VELLORE.

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

Order

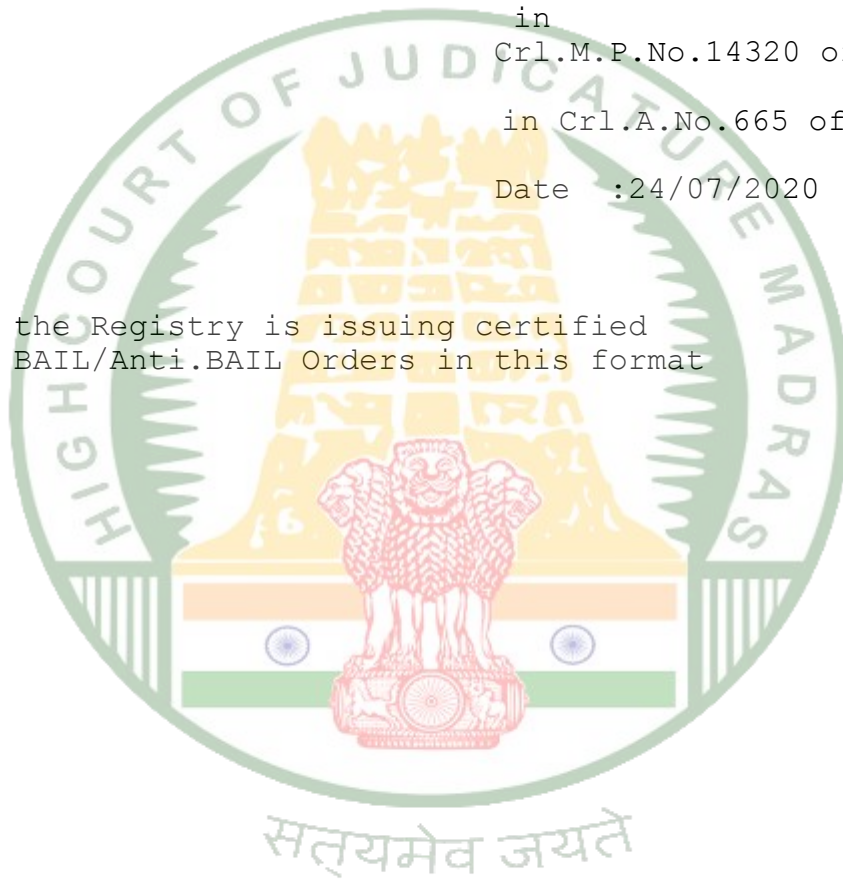
in
Crl.M.P.No.14320 of 2018

in Crl.A.No.665 of 2018

Date :24/07/2020

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

RVR 17/08/2020



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