



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Eleventh day of November Two Thousand and Twenty

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PRESENT

The Hon`ble Mr.Justice M.GOVINDARAJ

CRL MP(MD) No.5550 of 2020

IN

CRL A(MD) No.325 of 2020

PRAKASH

... PETITIONER/APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
IDAYAKOTTAI CIRCLE,
KALLIMANTHAYAM POLICE STATION,
DINDIGUL DISTRICT.

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail by suspending the sentence imposed on the petitioner by the Fast Track Mahila Judge, Dindigul, in Spl.S.C.No.57 of 2018 dated 15.10.2020, pending disposal of the above Criminal Appeal.

Prayer in CRL A(MD) No.325 of 2020:

To set aside the Judgment made in Spl.S.C.No.57 of 2018 by the Fast Track Mahila Judge, Dindigul, dated 15.10.2020.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.D.VENKATESH, Advocate for the petitioner and of MR.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondent, while admitting the CRL A., the court made the following order:-



The petitioner has been convicted by the learned Sessions Judge, Fast Track Mahila Court, Dindigul, in Special S.C.No.57 of 2018 on 15.10.2020, of the offences under Sections 363 of IPC., and Section 6 of the Protection of Children from Sexual Offences Act, 2012 and has been sentenced as follows:

Section of Law	Sentence of imprisonment
363 IPC	to undergo 4 years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo two months simple imprisonment
6 of POCSO Act, 2012	to undergo ten years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo six months simple imprisonment

Challenging the said conviction and sentence, the petitioner has come with this appeal. Pending appeal, he seeks suspension of the substantive sentence of imprisonment.

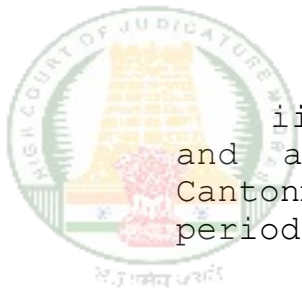
2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and also perused the records carefully.

3. Taking into consideration the nature of allegations and also considering the submission of the learned counsel for the petitioner that the petitioner is in incarceration from 15.10.2020; that there are several infirmities in the prosecution case and that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

4.Accordingly, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended, subject to the following conditions:

i. The petitioner is directed to be enlarged 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 related surety, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Dindigul.

ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass book to ensure their identity.



iii. On release, the appellant shall reside at Trichy and appear before the Inspector of Police, Trichy Cantonment Police Station, daily, at 10.30 a.m. for a period of two weeks.

sd/-
11/11/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, DINDIGUL.
- 2 THE INSPECTOR OF POLICE,
IDAYAKOTTAI CIRCLE,
KALLIMANTHAYAM POLICE STATION,
DINDIGUL DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
TRICHY CANTONMENT POLICE STATION, TRICHY.

ORDER
IN
CRL MP(MD) No.5550 of 2020
IN
CRL A(MD) No.325 of 2020
Date :11/11/2020

PJL
JM/VR/SAR IV/11.11.2020/3P/6C