

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.3173 of 2021

in Crl.A.No.932 of 2019

S.Suresh

.. Petitioner/A2

Vs.

State represented by
The Inspector of Police
All Women Police Station
Hosur
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 13.09.2019 passed in S.C.No.261 of 2016 on the file of the Sessions Court, (Fast Track Mahila Court), Krishnagiri and to enlarge the petitioner on bail pending the disposal of the appeal.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.K.Prabhakar
Additional Public Prosecutor

O R D E R

(Order of the Court was made by V.SIVAGNANAM, J.)

This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order dated 13.09.2019 passed in S.C.No.261 of 2016 on the file of the Sessions Court, (Fast Track Mahila Court), Krishnagiri and to enlarge the petitioner on bail pending the disposal of the appeal.

2. The petitioner, who was the second accused in S.C.No.261 of 2016 before the Sessions Court, (Fast Track Mahila Court), Krishnagiri, was convicted and sentenced as follows on 13.09.2019:

S.No.	Provision under which convicted	Sentence
1	Section 376 r/w 511 r/w 109 IPC	Half of the life imprisonment and fine of Rs.5,000/-, in default to undergo three months rigorous imprisonment.
2	Section 506 (II) IPC	Three years rigorous imprisonment and fine of Rs.1,000/-, in default to undergo three months rigorous imprisonment.

The aforesaid sentences were ordered to run concurrently.

3. Challenging the above conviction and sentences, the petitioner has filed CrI.A.No.932 of 2019 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.M.P.Saravanan, learned counsel for the petitioner and Mr.K.Prabhakar, learned Additional Public Prosecutor appearing for the respondent/State.

5. In this case, the trial Court has strangely sentenced the accused to half of the life imprisonment, which we are unable to fathom. It is the case of the prosecution that Suresh (A1), S/o.Ravi and Suresh (A2), S/o.Sivaji, petitioner herein, attempted to ravish the victim girl (PW2), who is deaf and dumb.

6. On a perusal of the evidence of the victim girl (PW2), it is seen that she has clearly implicated only Suresh (A1), S/o.Ravi and not Suresh (A2), S/o.Sivaji.

7. Under such circumstances, though this is a second bail application, we are inclined to grant suspension of sentence and bail to the petitioner.

8. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner has been in incarceration from 13.09.2019. Further, the appeal is not likely to be taken up in the near future. 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.25,000/-, 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 trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- (iii) The petitioner shall appear before the respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, 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/-
18/03/2021

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,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

Order

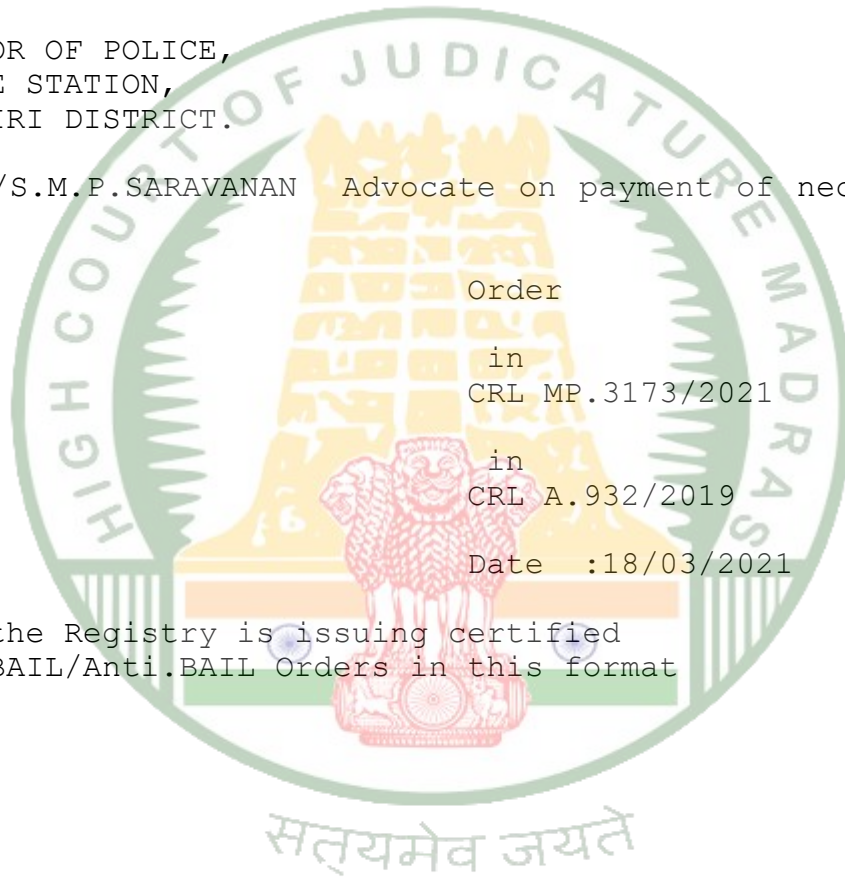
in
CRL MP.3173/2021

in
CRL A.932/2019

Date :18/03/2021

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

MK:23/03/2021



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