

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2021

CORAM

THE HON'BLE MR. JUSTICE **P.N.PRAKASH**
AND
THE HON'BLE MR. JUSTICE **V.SIVAGNANAM**

Crl.M.P.No.18685 of 2019
in Crl.A.No.886 of 2019

P.Saravanan

.. Petitioner/Accused

Vs.

State represented by

The Inspector of Police,
All Women Police Station,
Gobichettipalayam,
Erode District.

(Kavundapadi P.S.Crime No.216/2016)

.. 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 09.06.2017 passed in Special S.C.No.6 of 2017 on the file of the Additional Sessions Court, Magalir Neethi Mandram, (Fast Track Mahila Court, Erode and to enlarge the petitioner on bail till the disposal of the appeal.

For Petitioner : Mr.S.Parthasarathy

For Respondent : Mr.K.Prabhakar
Additional Public Prosecutor

ORDER

(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 09.06.2017 passed in Special S.C.No.6 of 2017 on the file of the Additional Sessions Court, Magalir Neethi Mandram, (Fast Track Mahila Court, Erode and to enlarge the petitioner on bail till the disposal of the appeal.

2. The petitioner, who was an accused in Special S.C.No.6 of 2017 before the Additional Sessions Court, Magalir Neethi Mandram, (Fast Track Mahila Court, Erode, was convicted and sentenced as follows:

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1	Section 366 IPC	Ten years rigorous imprisonment and fine of Rs.2,000/-, in default to undergo six months simple imprisonment.
2	Section 9 of the Prohibition of Child Marriage Act, 2006	Two years rigorous imprisonment and fine of Rs.1,000/-, in default to undergo three months simple imprisonment.
3	Section 6 of the Protection of Children from Sexual Offences Act, 2012	Life imprisonment and fine of Rs.2,000/-, in default to undergo six months simple imprisonment.

The aforesaid sentences were ordered to run concurrently.

3. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.886 of 2019 along with the instant miscellaneous petition seeking suspension of sentence and bail.

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

5. It is the case of the prosecution that the petitioner, who is a married man, kidnapped the victim girl "X" (name not disclosed for the sake of anonymity), who was aged about seventeen years, married her and sexually abused her.

6. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner has been in incarceration from 09.06.2017. 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.

7. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

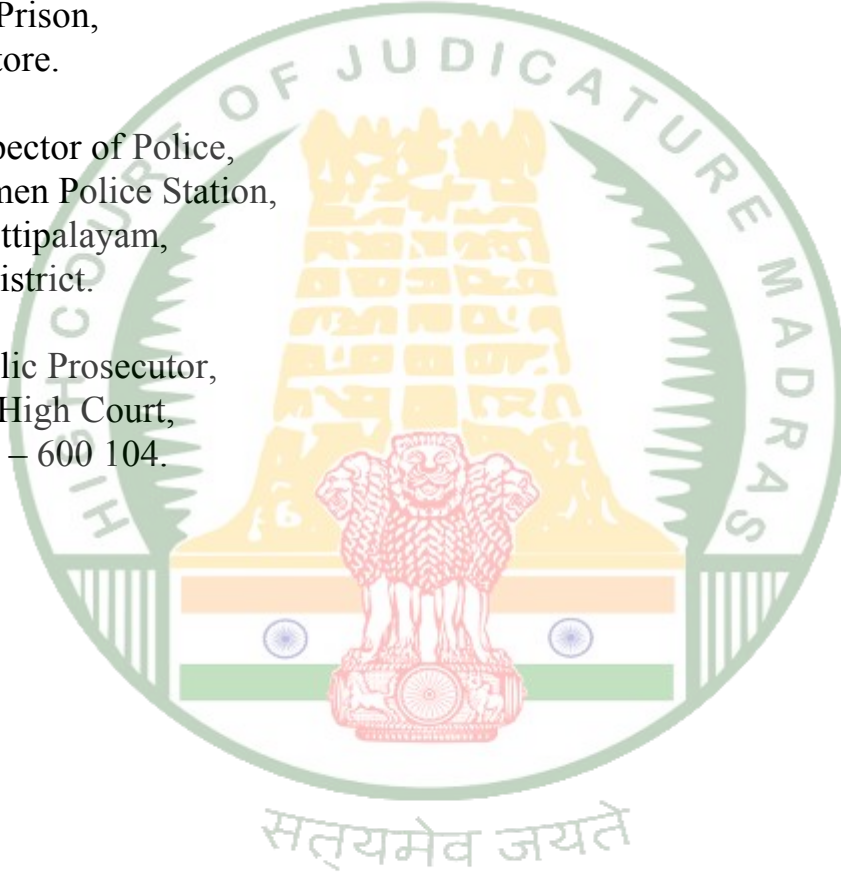
- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Additional Sessions Court, Magalir Neethi Mandram, (Fast Track Mahila Court, Erode;
- (ii) The sureties shall affix their photographs 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 trial Court 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.

(P.N.P.,J.) (V.S.G.,J.)
11.02.2021

nsd

To

1. The Additional Sessions Judge,
Magalir Neethi Mandram,
(Fast Track Mahila Court),
Erode.
2. The Superintendent of Prison,
Central Prison,
Coimbatore.
3. The Inspector of Police,
All Women Police Station,
Gobichettipalayam,
Erode District.
4. The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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