



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

Tuesday, the Twenty Seventh day of April Two Thousand and Twenty
One

WEB COPY

PRESENT

The Hon'ble Mrs.Justice T.KRISHNAVALLI

CRL MP (MD) No.2785 of 2021

IN

CRL A (MD) No.173 of 2021

ANBURAJ @ ANBURAJAN

... PETITIONER/APPELLANT

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KUMBAKONAM,
THANJAVUR DISTRICT.
CRIME No. 1/2011.

... RESPONDENT/RESPONDENT

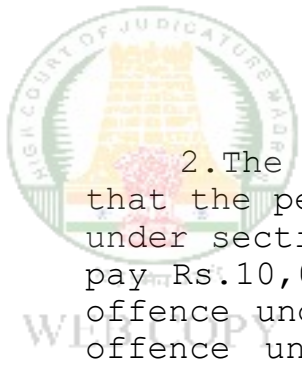
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Enlarge the Petitioner on bail by SUSPENDING THE SENTENCE imposed upon him in Sessions Case No.115 of 2011 on the file of the Learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur, Thanjavur District by Judgment dated 29.11.2019, pending disposal of the main Criminal Appeal.

Prayer in CRL A(MD)No.173 of 2021:

To call for the records in Sessions Case No.115 of 2011 on the file of the Learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur, Thanjavur District and set aside the Judgment dated 29.11.2019 and Acquit the Appellant of the Charges leveled against him.

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.THIRUVADI KUMAR.A., Advocate for the petitioner and of Mr.A.ROBINSON, Government Advocate (Crl.side) on behalf of the Respondent, the Court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the conviction and sentence order passed by the Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur, in S.C.No.115 of 2011, dated 29.11.2019 pending disposal of the criminal appeal.



2.The learned counsel appearing for the petitioner submitted that the petitioner was convicted by the trial court for the offence under section 376 IPC and sentenced him to undergo 7 years RI and to pay Rs.10,000/-, as fine, in default to undergo 1 year SI; for the offence under 417 IPC, sentenced to undergo 1 years SI and for the offence under section 4 of the Tamil Nadu Prohibition of Women Harassment Act, sentenced to undergo 3 years RI and to pay Rs.10,000/- as fine, in default to undergo 1 years SI.

3.The learned counsel appearing for the petitioner further submitted that the petitioner is an innocent person and he was falsely implicated in this case and that there are several infirmities in the prosecution case and there are contradictions in material particulars between the evidence of the prosecution witnesses and that the petitioner is in jail for the past one and half years and prays for suspension of sentence.

4.It is submitted by the learned Government Advocate (Criminal side) appearing for the respondent/State that the petitioner/accused by giving false promise of marriage, had sexual relationship with the minor victim and due to it, she got pregnant and the trial court on proper appreciation of evidence both oral and documentary, has rightly convicted the petitioner and there are enough materials available on record against the petitioner and there is no infirmity in the prosecution case and prays for dismissal of this petition.

5.This court has carefully considered the rival contentions put forth on either side and also perused the materials available on record.

6.The learned counsel for the petitioner pointed out certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the II Additional District Munsif-cum-Judicial Magistrate, Kumbakonam, Thanjavur District and on further condition that the petitioner shall deposit **Rs.50,000/- (Rupees Fifty thousand only) to the credit of SC No.115 of 2011 before the Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur**, with in a period of four weeks from the date of receipt of a copy of this order and on further condition that the petitioner shall appear



before the respondent police daily twice I.e., at 10.30 am and 5.00 pm, pending appeal.

sd/-
27/04/2021

WEB COPY

/ TRUE COPY /

/ /2021

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

Note:- In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but ensuring that the copy of the order that is presented is the correct copy shall be the responsibility of the advocate/litigant concerned.

TO

1. THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM
(FAST TRACK MAHILA COURT),
THANJAVUR, THANJAVUR DISTRICT.
2. THE II ADDITIONAL DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
KUMBAKONAM, THANJAVUR DISTRICT.
3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
4. THE SUPERINTENDENT,
CENTRAL PRISON,
TIRUCHIRAPPALLI.
5. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KUMBAKONAM,
THANJAVUR DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP(MD) No.2785 of 2021 IN
CRL A(MD)No.173 of 2021
Date :27/04/2021