



Crl.M.P.No.3477 of 2022 in Crl.A.No.296 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.3477 of 2022
in Crl.A.No.296 of 2022

M.Easwaran

... Petitioner

Versus

State rep. by
The Inspector of Police,
All Women Police Station,
Gudalur.
Crime No.3 of 2018.

... Respondent

Prayer: Criminal Miscellaneous Petition is filed under Section 389(ii) of the Code of Criminal Procedure, pleaded to suspend the sentence of imprisonment dated 26.11.2020 passed in Special C.C.No.19 of 2018 by the Sessions Judge of Magalir Neethimandram, (FTMC), Udthagamandalam at Nilgris, enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.C.D.Sugumar

For Respondent : S.Vinoth Kumar
Government Advocate (Crl. Side)



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ORDER

This Criminal Miscellaneous Petition is filed to suspend the sentence of imprisonment dated 26.11.2020 passed in Special C.C.No.19 of 2018 by the Sessions Judge of Magalir Neethimandram, (FTMC), Udthagamandalam at Nilgris, enlarge the petitioner on bail pending disposal of the above criminal appeal.

2. Heard the learned Counsel for the petitioner and learned Government Advocate (Criminal Side) for the respondent.

3. The learned Counsel for the petitioner would submit that the accused was aged 22 years and the victim was aged 15 years at the time of occurrence of the incident. As a matter of fact, the marriage was performed with the victim child and even the offence is also registered under Section 9 of the Prohibition of Child Marriages Act. He would submit that the petitioner is in jail from 26.11.2020 onwards and therefore, he would pray for bail.



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4. Per contra, the learned Government Advocate (Crl.Side) would submit that in this case, the case of the prosecution is that the victim child was 13 years of age at the time of the incident and therefore, in any event, since the age of the child is less than 18 years, the trial Court has rightly convicted the petitioner/accused.

5. Considered the rival submission made on either side and perused the materials records of this case. Considering the nature of allegations being the love affair and marriage performed, considering the age of the accused being 22 years at the time of the incident and considering the fact that the petitioner is in jail from 26.11.2020, I am of the view that the this is a fit case for grant of suspension of sentence pending disposal of the appeal. Therefore, I am inclined to suspend the sentence and grant bail to the petitioner on the following conditions:-

(a) the petitioner is ordered to be released on bail, on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Trial Court;

(b) the petitioner and the sureties shall affix their photographs and



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left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar Cards or Bank Pass books to ensure their identities;

(c) the petitioner shall appear before the Trial Court on the first working day of every English Calendar Month at 10.30 A.M until the disposal of the Criminal 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 of 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.

6. This Criminal Miscellaneous Petition is ordered accordingly.

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Index : yes/no

Speaking order/Non-speaking order

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To

1. The Sessions Judge of Magalir Neethimandram (FTMC),
Udhagamandalam, Nilgris.
2. The Superintendent of Police,
Central Prison,
Coimbatore.
3. The Inspector of Police,
All Women Police Station,
Gudalur.
4. The Public Prosecutor,
High Court of Madras.

D.BHARATHA CHAKRAVARTHY. J.,



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