



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM :

WEB COPY

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.2947 of 2022

in

Crl.A.No.229 of 2022

Prathap

... Petitioner

Versus

State rep. by
Inspector of Police,
All Women Police Station,
Vridhachalam.
Crime No.14 of 2017.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) r/w Section 439 of the Code of Criminal Procedure to suspend the sentence imposed in S.C.No.183 of 2018 by Judgment dated 8.2.2022, by the Mahila Court, Cuddalore and enlarge the appellant on bail.

For Petitioner : Mr.S.Sai Shankar

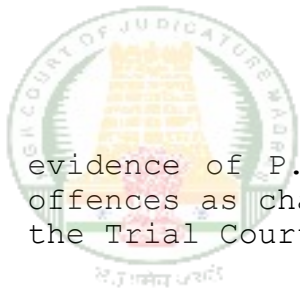
For Respondent : R.Vinoth Raja
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition is to suspend the sentence imposed on the petitioner by the judgment, dated 08.02.2022 made in S.C.No.183 of 2018 on the file of the Mahila Court, Cuddalore, pending disposal of the above 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 pointed out that at the time of occurrence, the age of the victim was 18 years and the age of the petitioner was 22 years and both were in a love affair while studying in the college. Further, he would submit that pursuant to the



evidence of P.W.1, it would be clear that it was consensual act and offences as charged against the petitioner are not at all made out and the Trial Court has erroneously convicted the petitioner.

4. Per contra, the learned Government Advocate would submit that this is a case of intercourse by promising to marry her, thereafter, the petitioner refused to marry. Therefore, the Trial Court has rightly convicted the petitioner and opposed the prayer of grant of suspension of sentence.

5. I have considered the rival submissions made on either side and perused the material on record.

6. Considering the submissions made on the either side, considering the nature of allegations and the victim, nature of love affair and the age of the victim and the accused, considering the facts and circumstances of the case and incarceration from 08.02.2022 and the grounds raised in the appeal, for the purpose of prima facie case, I am of the view that this is a fit case for grant of suspense of sentence pending the above 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 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.



7. This Criminal Miscellaneous Petition is ordered accordingly.

-sd/-
13/06/2022

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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 MAHILA SESSIONS COURT
CUDDALORE

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VRIDHACHALAM

3 THE SUPERINTENDENT OF POLICE
CENTRAL PRISON, CUDDALORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S S.SAI SHANKAR Advocate on payment of necessary charges SR.NO.8979

Order
in
CRL MP.2947/2022
in
CRL A.229/2021

Date :13/06/2022

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

JPA 14/06/2022