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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.3373 of 2022

in

Crl.A.No.75 of 2022

Suriyaprakash

... Petitioner/Appellant

Vs.

The State rep. By
The Inspector of Police,
(Law and Order),
All Women Police Station,
Denkanikottai.
(Crime No.9/2018)

... Respondent/Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389 (1) of Cr.P.C to suspend the sentence made in judgment in Spl.S.C.No.55 of 2018 dated 10.01.2020 on the file of the learned Mahila Sessions Court at Krishnagiri and enlarge the petitioners on bail pending disposal of the above Crl.A.No.75 of 2022.

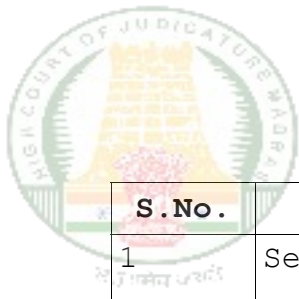
For Petitioner : Mr.K.Shankar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

O R D E R

This Criminal Miscellaneous Petition has been filed by the petitioner/ accused seeking suspension of sentence of imprisonment imposed by the learned Sessions Judge, Mahila Court, Krishnagiri, in Spl.SC.No.55 of 2018 dated 10.01.2020 and enlarge the petitioner on bail pending disposal of Crl.A.No.75 of 2022.

2. The petitioner/appellant herein is the sole accused in Spl.SC.No.55 of 2018 on the file of the learned Sessions Judge, Mahila Court, Krishnagiri. He was found guilty of the offence under Sections 450 of IPC and Section 3 r/w 4 of POCSO Act, 2012 and he has been convicted and sentenced as under:



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S.No.	Conviction	Sentence
1	Section 450 IPC	to undergo Rigorous Imprisonment for the period of 5 years and pay a fine of Rs.2500/- in default to undergo Rigorous Imprisonment for the period of one year.
2	Section 3 r/w 4 of POCSO Act, 2012	to undergo 7 years Rigorous Imprisonment and to pay a fine of Rs.2,500/-, in default to undergo Rigorous Imprisonment for the period of six months.
All the sentences of imprisonment are ordered to run concurrently.		

Aggrieved against the same, the petitioner had filed this present appeal.

3. According to the learned counsel for the petitioner/accused, there are arguable points available in the Criminal Appeal and the petitioner has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the Petitioner/accused may be suspended.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent Police/State raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. Considering the facts and circumstances of the case, also considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police, further this criminal appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:



(a) The petitioner/accused 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 learned Fast Track and Sessions Mahila Judge, Krishnagiri.

(b) The petitioner and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar 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 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. With the above directions, this Criminal Miscellaneous Petition is ordered.

-sd/-

17/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE FAST TRACK AND
MAHILA SESSIONS JUDGE,
KRISHNAGIRI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE INSPECTOR OF POLICE,
(LAW AND ORDER),
ALL WOMEN POLICE STATION,
DENKANIKOTTAI.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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+1 C.C. to M/S. K.SHANKAR Advocate on payment of necessary
charges SR.NO. 4160

Order

in
CRL MP.3373/2022
in
CRL A.75/2022

Date :17/03/2022

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

RW 18/03/2022