



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM :

WEB COPY

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.3874 of 2022 in Crl.A.No.333 of 2022

Prakash

... Petitioner/Appellant

Versus

The State of Tamil Nadu,
Rep. by Inspector of Police,
All Women's Police Station,
Villupuram, Villupuram District.

... Respondent/Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of the Code of Criminal Procedure to suspend the sentence passed by the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Villupuram in S.C.No.30 of 2020, dated 23.02.2022, for the offence under Sections 376, 375, r/w 90 of I.P.C and enlarge the petitioner on bail pending the disposal of the above Criminal Appeal.

For Petitioner : Mr.M.Devaraj

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

ORDER

This Criminal Miscellaneous Petition is to suspend the sentence passed by the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Villupuram in S.C.No.30 of 2020, dated 23.02.2022, for the offence under Sections 376, 375, r/w 90 of I.P.C and enlarge the petitioner on bail pending the 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 this is a case of eight long years of love affair and having a consensual relationship and the Trial Court erred in convicting the petitioner.



4. Per contra, the learned Government Advocate would refuse the same by stating that P.W.1 had deposed that the intercourse was par with the promise to marry and thereafter, there is suspicion and therefore, there is no consent and the Trial Court has rightly convicted the petitioner.

5. I have considered the rival submissions made on either side and perused the materials on record and considering the ground raised in the appeal for the purpose of prima facie case, I am of the view that this is the fit case for suspension of 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 Judge 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/-
23/06/2022

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 SESSIONS JUDGE,
MAGALIR NEETHIMANDRAM (FAST TRACK MAHILA
COURT) VILLUPURAM



2 THE INSPECTOR OF POLICE,
ALL WOMENS POLICE STATION, VILLUPURAM,
VILLUPURAM DISTRICT

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S. M.DEVARAJ Advocate on payment of necessary charges

Order
in
CRL MP.3874/2022
in
CRL A.333/2022

Date :23/06/2022

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JPA 24/06/2022