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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.4016 of 2022

in

Crl.A.No.340 of 2022

Kandasamy

...Petitioner

Vs.

The State represented by
The Inspector of Police,
Senthurai Police Station,
Ariyalur District.
(Crime No.284 of 2018)

... Respondent

PRAYER: Criminal Miscellaneous Petitions filed under Section 389(1) Cr.P.C to suspend the sentence imposed on the petitioner by a judgment dated 08.03.2022 made in Special S.C.No.39 of 2018 by the Fast Track Mahila Court, Ariyalur and to release the petitioner on bail pending disposal of the Criminal Appeal.

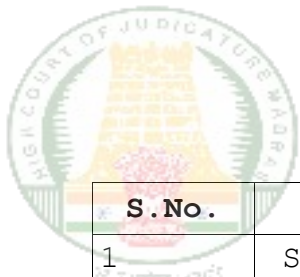
For Petitioner : Mr.R.Muthu Ramananand

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence imposed by the learned Session Judge, Fast Track Mahila Court, Ariyalur, in Spl.S.C.No.39 of 2018 dated 08.03.2022, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.39 of 2018 on the file of the learned Session Judge, Fast Track Mahila Court, Ariyalur. He was found guilty of the offence under Section 12 of POCSO Act and Section 354-A(2) of IPC and he has been convicted and sentenced as under:



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S.No.	Conviction	Sentence
1	Section 12 of POCSO Act and Section 354-A(2) of IPC	to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.5,000/- in default to undergo a simple imprisonment for a period of three months.

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

3. According to the learned counsel for the petitioner/accused, there are arguable points available in the Criminal Revision Case and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the Petitioner/accused may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record.

5. Considering the facts and circumstances of the case, also considering the submissions of the learned counsel for the petitioner, further this 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 Session Judge, Fast Track Mahila Court, Ariyalur.

(b) The petitioner/accused 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 revision petition 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.



6. With the above directions, this Criminal Miscellaneous Petition is ordered.

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-sd/-
30/03/2022

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 SESSION JUDGE,
FAST TRACK MAHILA COURT, ARIYALUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
SENTHURAI POLICE STATION,
ARIYALUR DISTRICT.

4 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

+1 C.C. to M/S. C.PRABAKARAN Advocate on payment of necessary charges SR.NO. 4805

Order

in
CRL MP.4016/2022
in
Crl.A.No.340 of 2022

Date :30/03/2022

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

RW 31/03/2022