



WEB COPY



Crl.M.P.No.4052 of 2022 in Crl.A.No.345 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.4052 of 2022 in Crl.A.No.345 of 2022

Sreenivasan

... Petitioner

Versus

State by Inspector of Police,

A.W.P.S Ariyalur,

Ariyalur District.

In Crime No.10 of 2018

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of the Code of Criminal Procedure to suspend the sentence imposed in the judgment in Spl.S.C.No.46 of 2018, dated 01.03.2022 on the file of the Fast Track Mahila Court, Ariyalur and release the petitioner on bail pending Criminal Appeal.

For Petitioner : Mr.A.Prakash

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

ORDER

This Criminal Miscellaneous Petition is to suspend the sentence imposed in the judgment in Spl.S.C.No.46 of 2018, dated 01.03.2022 on the file of the Fast Track Mahila Court, Ariyalur and release the petitioner on bail pending



Crl.M.P.No.4052 of 2022 in Crl.A.No.345 of 2022

Criminal Appeal.

WEB COPY

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 on a perusal of the evidence on record in this Case, it would be clear that it is a case of love affair. The Trial Court, therefore, erred in convicting the petitioner. He would further submit that the girl was aged 15 years and the boy was aged 19 years at the time of occurrence and the petitioner now is in prison from 01.03.2022 onwards and therefore, prays for suspension of sentence.

4. Per contra, the learned Government Advocate (Crl. Side) would contend that in any event, the prosecution had proved that the girl was less than 18 years of age and therefore, the Trial Court has rightly convicted the petitioner.

5. Considering the nature of allegations i.e., in the nature of love affair, considering the various grounds raised in the appeal for the purpose of prima facie case, considering the age of the victim and the age of the accused at the



Crl.M.P.No.4052 of 2022 in Crl.A.No.345 of 2022

time of occurrence and considering the fact that the petitioner is in prison from

01.03.2022, I am of the view that this is a fit case for grant of Suspension of Sentence pending disposal of the appeal. Accordingly, sentence of the petitioner is suspended 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.

6. This Criminal Miscellaneous Petition is ordered accordingly.



Crl.M.P.No.4052 of 2022 in Crl.A.No.345 of 2022

21.07.2022

Index : yes/no

Internet : yes/no

Speaking order/Non-speaking order
grs



WEB COPY



Crl.M.P.No.4052 of 2022 in Crl.A.No.345 of 2022

D.BHARATHA CHAKRAVARTHY. J.,

grs

To

1. The Fast Track Mahila Court,
Ariyalur.
2. The Public Prosecutor,
High Court of Madras.
3. The Superintendent of Police,
Central Prison,
Tiruchy.
4. The Inspector of Police,
A.W.P.S Ariyalur,
Ariyalur District.

Crl.M.P.No.4052 of 2022
in Crl.A.No.345 of 2022

21.07.2022