



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No. 4132 of 2022

in

Crl.A.No. 351 of 2022

1.Vijayakumar
2.Chinnapayan @ Munniyappan ... Petitioners

Versus

State rep. by
Inspector of Police,
Edapadi Police Station,
Salem District,
(Crime No. 110 of 2018) ... Respondent

Criminal Miscellaneous Petition filed under Section 389 (2) of Cr.P.C., to enlarge the petitioners on bail by suspending the sentence imposed in Old Spl.SC.No. 72 of 2018, New Spl.SC.No. 116 of 2019, dated 20.10.2020 on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Salem, pending disposal of Criminal Appeal.

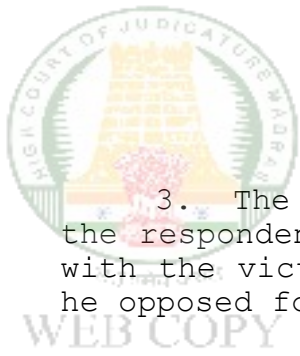
For Petitioners : Mr. T. Muruganantham

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

ORDER

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioners in Old.Spl.SC.No.72 of 2018, New Spl.SC.No.116 of 2019, on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Salem, by Judgment dated 20.10.2020 and enlarge the petitioners on bail pending disposal of the above Criminal Appeal.

2. The learned counsel for the petitioner would submit that the petitioners have not committed any offence as alleged by the prosecution and no previous cases against them. Hence, he prays for grant of bail to the petitioners.



3. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the first appellant had fell in love with the victim girl and had sexual intercourse with her. Therefore, he opposed for grant of bail to the petitioners.

4. Heard the learned Counsel for the petitioners and learned Government Advocate (Criminal Side) for the respondent.

5. Considering the fact that the allegation against the appellant is that the first appellant had love affair and there was an intercourse and the second appellant being the grand-father helped him in the love affair and considering the fact that they are under incarceration from 20.10.2020, I am of the view that this is a fit case for grant of suspension of sentence pending the above Criminal Appeal. Therefore, I am inclined to suspend the sentence and grant bail to the petitioners on the following conditions:-

(a) the petitioners are ordered to be released on bail, on their 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 petitioners 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 petitioners 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 they are not able to appear before the Trial Court on any day, they 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.

-sd/-

24/06/2022

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,
SPECIAL COURT FOR POCSO ACT CASES,
SALEM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE INSPECTOR OF POLICE,
EDAPADI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.T.MURUGANANTHAM Advocate on payment of necessary
charges SR.NO. 10018

Order

in
CRL MP.4132/2022

in
CRL A.351/2022

Date :24/06/2022

From 7.2.2001 the Registry is issuing certified
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RW-27/06/2022