



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.4747 of 2022

in Crl.A.No.280 of 2022

C.Sathish

... Petitioner /
Accused

versus

State Rep. by Inspector of Police,
Pallipalayam Police Station.
(Crime No.274 of 2016)

... Respondent /
Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 389 (1) of Cr.P.C., praying to suspend the sentence of imprisonment passed by the learned Sessions Judge, Fast Track Mahila Court, Namakkal, Namakkal District in Special C.C.No.17 of 2017 dated 16.02.2021 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

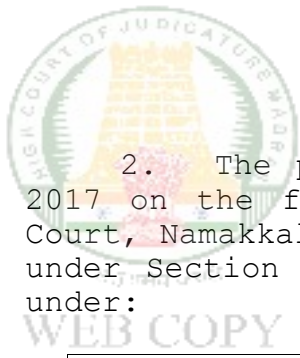
For Petitioner : Mr.K.Munusamy

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)
[Dated 08/04/2022]

MR.S.VINOTH KUMAR,
Govt. Advocate (Crl. Side)
[Dated 30/06/2022]

ORDER

This Criminal Miscellaneous Petition has been preferred by the petitioner/accused, seeking to suspend the sentence of imprisonment imposed upon him, by judgment and order dated 16.02.2021 passed in Special C.C.No.17 of 2017 on the file of the learned Sessions Judge, Fast Track Mahila Court, Namakkal, Namakkal District and to enlarge him on bail, pending disposal of the appeal.



2. The petitioner, who is the accused in Special C.C.No.17 of 2017 on the file of the learned Sessions Judge, Fast Track Mahila Court, Namakkal, Namakkal District. He was found guilty for an offence under Section 366 of IPC and he has been convicted and sentenced as under:

Offence	Sentence
366 of IPC	Rigorous Imprisonment for 7 years along with fine of Rs.1,000/-, in default, to undergo Simple Imprisonment for 6 months

3. Challenging the above conviction and sentence, the petitioner/accused, has filed CrI.A.No.280 of 2022 along with the instant Miscellaneous Petition, seeking suspension of sentence and bail.

4. The case of the prosecution is that the accused kidnapped the minor victim girl from the lawful guardianship of her mother and took her to Mariamman Temple at Veppadai. Therefore, the respondent police registered a case against the petitioner/accused for the offence punishable under Section 366 of IPC.

5. According to the learned counsel for the petitioner, there are arguable points available in this appeal and the petitioner has got a fair chance of succeeding in this appeal and hence, the substantive sentence imposed against the petitioner may be suspended before the trial Court.

6. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/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.

7. Heard Mr.K.Munusamy, learned counsel appearing for the petitioner/accused and Mr.Leonard Arul Joseph Selvam, learned Government Advocate (CrI. Side), appearing for the respondent/State and also perused the materials placed on record.

8. Submissions made by the learned counsel appearing on either side are considered. The evidence given by P.W.1 in respect to the alleged occurrence needs a detailed appraisal. Here, it is a case, the appeal is not likely to be taken up in the near future. Further, the petitioner is in incarceration from 16.02.2021. In such a view of the matter, this Court is of the view that the petitioner/accused is entitled to the relief of suspension of sentence and bail.



9. Accordingly, sentence of imprisonment alone is suspended and bail is granted to the petitioner on the following conditions:

(a) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, each for a like sum to the satisfaction of the learned **(*)Judicial Magistrate, NO.II, Namakkal District;**

(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; and

(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 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.

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

-sd/-
08/04/2022

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.

**(*)AMENDED AS PER ORDER OF THE COURT DATED 30/06/2022 MADE IN
CRL.MP.No.8361 OF 2022 IN CRL.A.No.280 OF 2022
BY The Hon`ble Mr Justice D. BHARATHA CHAKRAVARTHY**

TO

1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
NAMAKKAL, NAMAKKAL DISTRICT.



2 THE JUDICIAL MAGISTRATE,
SANGAGIRI, NAMAKKAL DISTRICT.

(*) 3 THE JUDICIAL MAGISTRATE,
NO.II, NAMAKKAL DISTRICT.

4 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

5 THE INSPECTOR OF POLICE
PALLIPALAYAM POLICE STATION,

6 THE SUPERINTENDENT OF PRISON
CENTRAL PRISON, COIMBATORE.

7 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

Order
in
CRL MP.4747/2022
in
CRL A.280/2022

Date :08/04/2022

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copies of the BAIL/Anti.BAIL Orders in this format

JPA 08/04/2022

JPA 07/07/2022