



Crl.M.P.No.4853 of 2022 in Crl.A.No.399 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.4853 of 2022

in

Crl.A.No.399 of 2022

Muniraj

...

Petitioner

Versus

State represented by
The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District,
(Crime No.2/2020)

...

Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) r/w.439 of Cr.P.C.to suspend the sentence imposed against the petitioner in Spl.S.C.No.27/2020 on the file of the learned Sessions Judge, Fast Track Magalir Neethimandram, Krishnagiri, Krishnagiri District dated 03.03.2022 and enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.E.Kannadasan

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

ORDER

This petition is filed to suspend the sentence imposed against the petitioner in Spl.S.C.No.27/2020, on the file of the learned Sessions Judge,



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Fast Track Magalir Neethimandram, Krishnagiri District, dated 03.03.2022 and enlarge the petitioner on bail pending disposal of the appeal.

2.The learned counsel for the petitioner pointed out the allegations in this case, which was in the nature of love affair and elopement. He would further point out from the evidence of PWs 1 and 2 that immediately after the occurrence and rescue of PW2 victim, she again eloped with another person and she is married and living with him. As a matter of fact, even she had eloped and lived with the petitioner for about three months. Therefore, he would submit that the Trial Court erred in convicting the petitioner.

3.Per contra, the learned Government Advocate (Crl.Side) would submit that in any event, the prosecution has proved that the victim is less than 18 years of age at the time of the occurrence. Therefore, the Trial Court has rightly convicted the petitioner.

4.I have considered the submissions made on either side and perused



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the material records in this case.

5.Considering the nature of allegations in this case being love affair and elopement and considering the answers given by PWs 1 and 2 in the cross examination and considering the fact that it may take a while for this Court to dispose of the appeal, I am of the view that this is a fit case for grant of suspension of sentence pending the above appeal. Therefore, I am inclined to suspend the 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 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



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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.

29.07.2022

Index : yes/no
Speaking order/Non-speaking order
sli

To

- 1.The learned Sessions Judge,
Fast Track Magalir Neethimandram,
Krishnagiri, Krishnagiri District
- 2.The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District,
- 3.The Superintendent, Central Prison, Salem.
- 4.The Public Prosecutor, High Court of Madras.



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D.BHARATHA CHAKRAVARTHY. J.,

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