



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.5215 of 2022

in Crl.A.No.425 of 2022

Balan

... Petitioner

Versus

1 State rep. By:

... Respondents

The Deputy Commissioner of Police,
L & O Salem South Range,
Salem Corporation,
Kondalampatti Police Station,
Salem District.
(Crime No.383 of 2017)

2.Mariammal

Prayer: Criminal Miscellaneous Petition filed under Sections 389(1) of the Code of Criminal Procedure to suspend the sentence imposed on the petitioner by order dated 31.03.2022 in Special Sessions Case No.27 of 2018 on the file of the learned Principal Sessions Judge, Salem (Special Court of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act 1989 and the petitioner on bail till the disposal of the above above.

For Petitioner : Mr.M.S.Charles

For R1 : Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence, imposed by the learned Principal Sessions Judge, Salem (Special Court of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act 1989 in Special Sessions Case No.27 of 2018 dated 31.03.2022 and enlarge the petitioner on bail till the disposal of the criminal appeal.



2. It is seen that even though the defacto complainant was served in this matter, none appeared.

3. The learned Counsel appearing for the petitioner taking this Court to the nature of the allegation in this case, would submit that, it may be seen that, unable to repay the loan, so as to force the petitioner, a false case has been foisted against the petitioner.

4. Per contra, the learned Government Advocate (Cr1.Side) appearing for the first respondent/Police would submit that this is a case, where a twelve year child has been taken away for forceful labour, so as to discharge the loan amount. Therefore, he submitted that the Trial Court has rightly convicted the petitioner.

5. Considering the nature of the allegation in this case and considering the grounds raised in the appeal for the purpose of making out a prima facie case and also considering the period of sentence, also the fact that the petitioner is under incarceration from 31.03.2022, 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 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. The Criminal Miscellaneous Petition is ordered accordingly.

-sd/-

04/07/2022

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.



1 THE PRINCIPAL SESSIONS JUDGE,
SALEM (SPECIAL JUDGE OF SCHEDULED CASTES AND
SCHEDULED TRIBES (PREVENTION OF ATROCITIES),
ACT, 1989.

2 THE DEPUTY COMMISSIONER OF POLICE,
L & O SALEM SOUTH RANGE,
SALEM CORPORATION,
KONDALAMPATTI POLICE STATION,
SALEM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

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

+1 C.C. to M/S M.S.CHARLES Advocate on payment of necessary
charges SR.NO.10634

Order

in
CRL MP.5215/2022
in
CRL A.425/2022

Date :04/07/2022

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TA-05/07/2022