



WEB COPY



Crl.M.P.No.7416 of 2022 in Crl.A.No.556 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.7416 of 2022

in

Crl.A.No.556 of 2022

Kathireasan

.. Petitioner

Vs

State rep. by
Inspector of Police
Paramathi Police Station
Namakkal.
(Crime No.128 of 2016)

.. Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) r/w Section 439 of the Code of Criminal Procedure to suspend the sentence imposed in Special C.C.No.2 of 2017 on the file of the learned Sessions (Fast Track Mahila) Judge, Namakkal, dated 27.09.2018 and enlarge the petitioner on bail, pending disposal of the criminal appeal.

For Petitioner : Mr.S.Manoharan

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



CrI.M.P.No.7416 of 2022 in CrI.A.No.556 of 2022

ORDER

WEB COPY

This Criminal Miscellaneous Petition is to suspend the sentence imposed in Special C.C.No.2 of 2017 on the file of the learned Sessions (Fast Track Mahila) Judge, Namakkal, dated 27.09.2018 and enlarge the petitioner on bail, pending disposal of the criminal appeal.

2. Learned counsel for the petitioner would submit that the nature of the allegation in this case is of love affair and the victim was aged seventeen years old and the accused was aged twenty years old at the time of occurrence. Therefore, he would submit that, upon considering the allegation, the Trial Court was not right in convicting the petitioner.

3. Per contra, the learned Government Advocate would submit that prosecution has still proved that the victim girl was below eighteen years of age and therefore, the Trial Court has rightly convicted the petitioner.

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



CrI.M.P.No.7416 of 2022 in CrI.A.No.556 of 2022

WEB COPY

5. Considering the nature of the allegation in this case, considering the age of the accused and the age of the victim at the time of occurrence, considering the fact that the petitioner is under incarceration from 27.09.2018, I am of the view that this is a fit case for grant of suspense 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 Sessions (Fast Track Mahila) Judge, Namakkal;

(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



CrI.M.P.No.7416 of 2022 in CrI.A.No.556 of 2022

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.

07.07.2022

Index : yes/no

Speaking order/Non-speaking order

drm

To

1. Inspector of Police
Paramathi Police Station
Namakkal.
(Crime No.128 of 2016)
2. The Sessions (Fast Track Mahila) Judge, Namakkal.
3. The Public Prosecutor, High Court of Madras.



WEB COPY



Crl.M.P.No.7416 of 2022 in Crl.A.No.556 of 2022

D.BHARATHA CHAKRAVARTHY. J.,

drm

Crl.M.P.No.7416 of 2022
in
Crl.A.No.556 of 2022

07.07.2022