



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.6424 of 2022

in Crl.A.No.501 of 2022

Mahendran

... Petitioner

Versus

State rep by
Inspector of Police,
Valparai Police Station,
Valparai,
Coimbatore District.
(Crime No.16 of 2016)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Sections 389(1) of the Code of Criminal Procedure to suspend the sentence passed by the Sessions Judge, Mahila Court, Coimbatore in S.C.No.5 of 2017 dated 30.08.2019 who is presently confined in Central Prison, Coimbatore and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.H.S.Mohamed Rafi

For Respondent : 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 Sessions Judge, Mahila Court, Coimbatore in S.C.No.5 of 2017 dated 30.08.2019 and enlarge the petitioner on bail till the disposal of the criminal appeal.

2. The learned Counsel for the petitioner would submit that the petitioner is in prison from 30.08.2019 and almost nearing three years and therefore, he would submit that there is a prima facie case in the appeal and prays for suspension of sentence.



3. The learned Government Advocate (Crl.Side) appearing for the respondent/Police would submit that this is a case, where only because the poor victim being a widow spurned the repeated offers of the petitioner, she was brutally attacked.

4. Considering the fact that of the total ten years of imprisonment imposed on the petitioner, the petitioner has already undergone a period of two years and ten months, 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.

TO

1 THE SESSIONS JUDGE
MAHILA COURT, COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



3 THE INSPECTOR OF POLICE,
VALPARAI POLICE STATION,
VALPARAI,
COIMBATORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

C.C. to M/S.H.S.MOHAMED RAFI Advocate on payment of necessary charges

Order

in
CRL MP.6424/2022
in
CRL A.501/2022

Date :04/07/2022

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TA-05/07/2022