



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No. 7004 of 2022

in

Crl.A.No. 535 of 2022

Mohanasundaram

... Petitioner

Versus

State rep. by Inspector of Police,
Bhavani All Women Police Station,
Bhavani, Erode District,
Crime No.13 of 2020.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 (1) of Cr.P.C., to enlarge the petitioner on bail by suspending the sentence imposed in S.C.No. 54 of 2021 dated 10.05.2022 on the file of Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court) Erode, pending the disposal of the Criminal Appeal.

For Petitioner : Mr. C.S. Saravanan

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

ORDER

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on him by the trial Court in S.C.No. 54 of 2021 by Judgment dated 10.05.2022 on the file of the learned Sessions Judge, Magalir Neethi Mandram [Fast Track Mahila Court], Erode, and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition.

2. Heard the learned Counsel for the petitioner and learned Government Advocate (Criminal Side) for the respondent.



3. The learned Counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated for the offence under Sections 417, 376 (1) of IPC. He would submit that the prima-facie conviction of the petitioner is incorrect and therefore, prays for suspending the sentence.

4. Per contra, the learned Government Advocate (Crl.Side) would submit that the Trial Court has rightly convicted the petitioner and opposed the prayer for grant of suspension of sentence.

5. I have considered the rival submissions made on either side and perused the materials on record.

6. Considering the fact that the accused was aged about 31 years and the victim was aged about 23 years at the time of occurrence. Allegation is that there was intercourse by promising to marry the victim, subsequently that promise was not kept, considering the grounds raised by the appellant for the purpose of prima-facie case and considering the fact that the petitioner is under incarceration from 10.05.2022, I am of the view that this is a fit case for grant of suspense of sentence pending the above revision. 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 Revision Case 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.



7. This Criminal Miscellaneous Petition is ordered accordingly.

WEB COPY

-sd/-
24/06/2022

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,
MAGALIR NEETHI MANDRAM, (FAST TRACK MAHILA COURT),
ERODE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE INSPECTOR OF POLICE,
BHAVANI ALL WOMEN POLICE STATION,
BHAVANI,
ERODE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S C.S.SARAVANAN Advocate on payment of necessary
charges SR.NO. 10017

Order

in
CRL MP.7004/2022

in
CRL A.535/2022

Date :24/06/2022

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RW-28/06/2022