



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM :

WEB COPY

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CrI.M.P.No.7169 of 2022 in CrI.A.No.159 of 2022

Thangarasu

... Petitioner/Appellant

Versus

State represented by
The Inspector of Police,
Tiruchengode Town Police Station,
Crime No.219/2016,
Namakkal District.

... Respondent/Complainant

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of the Code of Criminal Procedure to suspend the sentence, dated 23.11.2021 in Spl. S.C.No.7 of 2017 on the file of the learned Sessions Judge (Fast Track Mahila Court), Namakkal and to release the petitioner/appellant on bail pending disposal of the above appeal.

For Petitioner : Mr.N.Manoharan

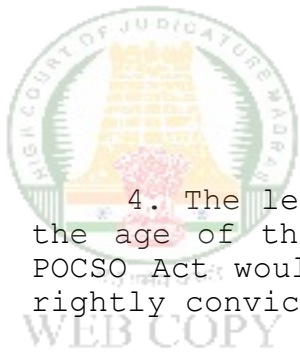
For Respondent : R.Vinoth Kumar
Govt. Advocate (CrI.Side)

ORDER

This Criminal Miscellaneous Petition is to suspend the sentence, dated 23.11.2021 in Spl.S.C.No.7 of 2017 on the file of the learned Sessions Judge (Fast Track Mahila Court), Namakkal and to release the petitioner/appellant on bail pending disposal of the above appeal.

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 from the perusal of the evidence, it would be clear that there was a love affair and subsequently, a marriage also had taken place and now, the petitioner is in incarceration from 23.11.2021. He would further submit that the allegations per se would not make out the offense under the POCSO Act.



4. The learned Government Advocate would submit that in any event the age of the victim is less than 18 years, the offence under the POCSO Act would be attracted and submitted that the trial Court has rightly convicted the petitioner.

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

6. Considering the nature of the allegations in this case and the ground raised in the Criminal Appeal for the purpose of establishing prima facie case, I am of the view that it is a fit case for suspending the sentence pending disposal of the Appeal. Hence, 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.

-sd/-
10/06/2022

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
(FAST TRACK MAHILA COURT), NAMAKKAL

2 THE INSPECTOR OF POLICE,
TIRUCHENGODE TOWN POLICE STATION,
NAMAKKAL DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.N.MANO HARAN Advocate on payment of necessary charges

Order
in
CRL MP.7169/2022
in
CRL A.159/2022

Date :10/06/2022

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JPA 13/06/2022