



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM :

WEB COPY

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.7148 of 2022

in

Crl.A.No.544 of 2022

Ajithkumar

... Petitioner

Versus

State rep by the Inspector of Police,
Erode Town Police Station,
Erode.
(Crime No.416 of 2019)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Sections 389(1) of the Code of Criminal Procedure to suspend the sentence imposed against the petitioner by the learned Sessions Judge, Mahalir Neethi Mandram (Fast Track Mahila Court), Erode in Spl.S.C.No.38 of 2019 dated 25.03.2022 and released the petitioner on bail till disposal of the above criminal appeal.

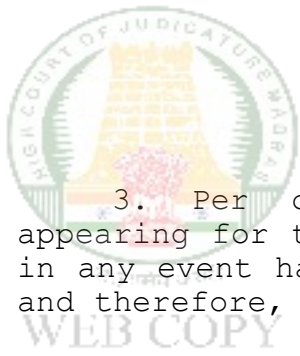
For Petitioner : Mr.S.Arivazhagan

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, Mahalir Neethi Mandram (Fast Track Mahila Court), Erode in Spl.S.C.No.38 of 2019 dated 25.03.2022 and release the petitioner on bail till the disposal of the criminal appeal.

2. The learned Counsel for the petitioner would submit that there was a love affair between the petitioner, who was aged 21 years at the time of occurrence and the girl, who was aged 17 years and he would submit that on a perusal of the evidence on record, the Trial Court has erroneously convicted the petitioner.



3. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent/Police would submit that the prosecution in any event has proved that the victim is below the age of 18 years and therefore, the Trial Court has convicted the petitioner rightly.

4. Considering the nature of the allegation being in the nature of love affair and considering the age of the victim being 17 years and the petitioner aged about 21 years at the time of occurrence and also considering the fact that the petitioner is in incarceration from 25.03.2022, 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.

TO

1 THE SESSIONS JUDGE,
MAHALIR NEETHI MANDRAM (FAST TRACK MAHILA
COURT), ERODE



2 THE INSPECTOR OF POLICE,
ERODE TOWN POLICE STATION,
ERODE

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S S.ARIVAZHAGAN Advocate on payment of necessary
charges SR.NO.10583

Order
in
CRL MP.7148/2022
in
CRL A.544/2022

Date :04/07/2022

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JPA 05/07/2022