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Crl.M.P.No.8930 of 2022 in
Crl.A.No.667 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**Crl.M.P.No.8930 of 2022 in
Crl.A.No.667 of 2022**

Jeyachandra Kumar

... Petitioner

Versus

The State represented by
The Inspector of Police,
All Women Police Station,
Villupuram.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Sections 389(1) of the Code of Criminal Procedure to suspend the sentence imposed by the District Mahila Court (Mahila Fast Track Court), Villupuram in S.C.No.111 of 2017 on 27.09.2021 and enlarge the petitioner on bail pending disposal of the above revision.

For Petitioner : Mr.PA.Kadirvel

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/Accused, seeking suspension of sentence imposed by the learned Sessions Judge, District Mahila Court (Mahila Fast Track Court), Villupuram in S.C.No.111 of 2017 on 27.09.2021 and enlarge the petitioner on bail, pending



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disposal of the Criminal Revision Petition.

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2 *Mr.Pa.Kadirvel*, learned Counsel appearing for the petitioner taking this Court to the evidence of P.W.1, would submit that P.W.1 had earlier made allegation of rape against three persons and after trial they were acquitted. In this case also, according to the evidence of P.W.1, when she was washing the clothes in the rear side of her house, the accused had forcefully brought her into the house and committed the act and when he committing the offence, her mother came and hit the accused. Therefore, he would submit that false case has been foisted against the petitioner. Further, the petitioner is in prison from 27.09.2021 onwards.

3 Per contra, *Mr.S.Vinoth Kumar*, the learned Government Advocate (Crl. Side), would submit that P.W.1 had clearly deposed that the petitioner had forceful intercourse after stuffing the clothe in her mouth and therefore the trial Court rightly convicted the petitioner and prays dismissal of the miscellaneous petition seeking suspension of sentence.

4 Heard the learned counsel for the petitioner and the learned



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Government Advocate (Crl.Side) for the respondent and perused the materials
on record.

5 Considering the rival submissions made by the learned counsel for the petitioner for the purpose of making out a *prima facie* case and the evidence of P.W.1 and also the fact that the petitioner is in prison from 27.09.2021, this Court is inclined to suspend the sentence imposed on the petitioner with the following conditions:-

(a) the petitioner is ordered to be released on bail, on 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 learned Judicial Magistrate No.II, Villupuram.

(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 at 10.30 a.m. once in a month until further orders.;

6 The Criminal Miscellaneous Petition is ordered accordingly.



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Index : yes/no

Internet: yes/no

Speaking order/Non-speaking order

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Note: Issue order copy on 23.08.2018

To

1. The Sessions Judge, District Mahila Court (Mahila Fast Track Court), Villupuram.
2. The Judicial Magistrate No.II, Villupuram.
3. The Inspector of Police, All Women Police Station, Villupuram.
4. The Superintendent of Jail, Central Prison, Cuddalore.
5. The Public Prosecutor, Madras High Court.



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D.BHARATHA CHAKRAVARTHY. J.,

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