



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.8600 of 2022 in Crl.A.No.81 of 2022

Murali

... Petitioner

Versus

State represented by
The Inspector of Police,
Denkanikottai, All Women Police Station,
Denkanikottai,
Krishnagiri District.
(Crime No.15 of 2017)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of the Code of Criminal Procedure to suspend the sentence passed by the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri in S.C.No.30 of 2018, dated 18.08.2021 against the petitioner and enlarge the petitioner on bail pending disposal of the Criminal Appeal No.81 of 2022.

For Petitioner : Mr.V.Rajamohan

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

ORDER

This Criminal Miscellaneous Petition is filed to suspend the sentence passed by the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri in S.C.No.30 of 2018, dated 18.08.2021 against the petitioner and enlarge the petitioner on bail pending disposal of the Criminal Appeal No.81 of 2022.

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 even on a perusal of the evidence on record, the allegations are in the nature of love affair. The victim child was aged about 17 years and the petitioner/accused was aged about 25 years, at the time of occurrence and the petitioner was erroneously convicted by the Trial Court and that he is in prison from the date of judgment i.e., 18.08.2021.



4. The learned Government Advocate (Crl. Side) would submit that even though this is a case of love affair, the prosecution has still established that the victim was less than 18 years of age and the Trial Court has rightly convicted the petitioner.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. Considering the age of the victim child and the petitioner/accused as on the date of occurrence and considering the fact that the petitioner is under incarceration from 18.08.2021 onwards, I am of the view that this is a fit case for suspending the sentence and enlarge the petitioner on bail. Accordingly, suspension of sentence is granted on the following terms:-

(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 Judge 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.

7. This Criminal Miscellaneous Petition is ordered accordingly.

-sd/-

05/07/2022

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.



1 THE SESSIONS JUDGE
FAST TRACK MAHILA COURT, KRISHNAGIRI.

2 THE INSPECTOR OF POLICE,
DENKANIKOTTAI, ALL WOMEN POLICE STATION,
DENKANIKOTTAI,
KRISHNAGIRI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S V.RAJAMOHAN Advocate on payment of necessary
charges SR.No.10719

Order
in
CRL MP.8600/2022
in
CRL.A.81/2022
Date :05/07/2022

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

CSK 06/07/2022