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Crl.M.P.No.8636 of 2022 in Crl.A.No.647 of 2022

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.8636 of 2022

in

Crl.A.No.647 of 2022

Backyaraj @ Selvam

... Petitioner

**Versus**

State rep. by  
Inspector of Police,  
Kottur Police Station,  
Coimbatore District.

... Respondent

**Prayer:** Criminal Miscellaneous Petition filed under Section 389(1) of the Code of Criminal Procedure to suspend the sentence imposed on the petitioner by the learned Sessions Judge, Magalir Neethimandram (Mahila Court) Coimbatore in S.C.No.126 of 2017 dated 06.06.2022 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.M.N.Balakrishnan

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

**ORDER**

This Criminal Miscellaneous Petition is to to suspend the sentence imposed on the petitioner by the learned Sessions Judge, Magalir Neethimandram (Mahila Court) Coimbatore in S.C.No.126 of 2017 dated



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06.06.2022 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2.The learned counsel for the petitioner submits that the trial Court erred in convicting the petitioner for the offences under Section 354-(A)(1)(i) IPC and submitted that the trial Court itself has already suspended the sentence till 07.07.2022 and prayed for suspension of sentence.

3.The learned Government Advocate opposed the petition and stated that the trial Court has rightly convicted the petitioner.

4.Considering the sentence imposed on the accused and the sentence remained suspended by the trial Court itself, I am of the view that this is a fit case for suspension of sentence for the petitioner pending disposal of the appeal 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



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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.

5. This Criminal Miscellaneous Petition is ordered accordingly.

**05.07.2022**  
**(2/2)**

Index : yes/no  
Speaking order/Non-speaking order  
sli  
To

- 1.The Inspector of Police,  
Kottur Police Station,  
Coimbatore District.
- 2.The Public Prosecutor, High Court of Madras.
3. The Sessions Judge,  
Magalir Neethimandram (Mahila Court) Coimbatore.



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**D.BHARATHA CHAKRAVARTHY. J.,**

sli

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