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Crl.M.P.No.8760 of 2022 in Crl.A.No.162 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.8760 of 2022

in

Crl.A.No.162 of 2022

Arul @ Arul Murugan (aged 32 years)

... Petitioner

Versus

The State rep. by
The Inspector of Police,
Puduchatram Police Station,
Puduchatram, Namakkal District.
(Crime No.599/2013)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of the Code of Criminal Procedure to suspend the sentence and bail passed by the Learned Sessions Judge, (Fast Track) Mahila Court, Namakkal District, dated 04.10.2021 in Special C.C.No.6 of 2016 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Ms. V. Sasirekha

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

ORDER

This Criminal Miscellaneous Petition is to suspend the sentence imposed in Spl.C.C.No.6 of 2016 on the file of the Learned Sessions Judge, (Fast Track) Mahila Court, Namakkal District, dated 04.10.2021



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

2.Heard the learned Counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

3.Learned Counsel for the petitioner would submit that the nature of allegations in this case is of love affair. The petitioner was aged 24 years and the age of the victim, at the time of occurrence is 16 years. Therefore, she would submit that the Trial Court has erred in convicting the petitioner/accused.

4.Learned Government Advocate (Crl. Side), would submit that in any event, the prosecution has proved that the victim was less than eighteen years of age and therefore, the Trial Court has rightly convicted the petitioner/accused.

5.Considering the nature of allegation being love affair, elopement, and the age of the accused was twenty four years, at the time of offence



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and the age of the victim was sixteen years respectively, considering the fact that the petitioner is in prison from 04.10.2021 to till date, I am of the view that this is a fit case for grant of suspension of sentence, pending disposal of the appeal and accordingly, the sentence is suspended on 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, Namakkal;

(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 and if he is not able to appear before the



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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. This Criminal Miscellaneous Petition is ordered accordingly.

25.07.2022

Index : yes/no

Speaking order/Non-speaking order

klt

To

- 1.The Judicial Magistrate No.II, Namakkal.
- 2.The Inspector of Police, Puduchatram Police Station,
Puduchatram, Namakkal District.
- 3.The Public Prosecutor, High Court of Madras.
- 4.The Superintendent of Police, Central Prison, Coimbatore.



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D.BHARATHA CHAKRAVARTHY. J.,

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