



Crl.M.P.No.10151 of 2022 in Crl.A.No.738 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.10151 of 2022
in Crl.A.No.738 of 2022

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... Petitioner

Versus

The State rep. By,
The Inspector of Police,
Edapadi Police Station,
Salem District.
Crime No.251 of 2013.

... Respondent

Prayer: Criminal Miscellaneous Petition is filed under Section 389(i) of the Code of Criminal Procedure, pleaded to suspend the sentence passed in S.C.No.119 of 2014 dated 26.11.2019 on the file of the learned Sessions Judge, Mahila Court, Salem and enlarge the petitioner on bail pending disposal of the aforesaid appeal.

For Petitioner : Mr.S.Silambu Selvan

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



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ORDER

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This Criminal Miscellaneous Petition is filed to suspend the sentence passed in S.C.No.119 of 2014 dated 26.11.2019 on the file of the learned Sessions Judge, Mahila Court, Salem and enlarge the petitioner on bail pending disposal of the aforesaid appeal.

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 at the time of occurrence, the petitioner was 19 years of age and the victim child was 16 years of age. Learned counsel would further submit that a perusal of the evidence before the Court, the prosecution has not categorically established any positive act of abetment on the part of the petitioner. He would submit that the petitioner is in incarceration from 26.11.2019.

4. Per contra, the learned Government Advocate (Crl.Side) would submit that this is a case of continuous harassment and the offence



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punishable under Section 4 of the Women Harassment Act is also charged against the petitioner. It is the continuous harassment of the petitioner, which drove the victim child for the unfortunate decision of committing suicide. Therefore, he would submit that the trial court has rightly convicted the petitioner.

5. I have considered the rival submission made on either side and perused the materials records of this case. Considering the nature of allegations and grounds raised on behalf of the petitioner relating to the abetment, considering the age of the petitioner as well as the victim child being 19 and 16 at the time of the incident, considering the fact that the petitioner is in jail from 26.11.2019, having undergone a substantial portion of the sentence and considering the fact that it may take a while for this Court to prepare the appeal book ready and post the appeal for final hearing on merits, I am of the view that this is a fit case for grant of suspension of sentence for the petitioner and enlarge the petitioner on bail, pending disposal of the appeal. Therefore, I am inclined to suspend the sentence and grant bail to the petitioner on the following conditions:-



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(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.



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6. This Criminal Miscellaneous Petition is ordered accordingly.

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Index : yes/no

Speaking order/Non-speaking order

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To

1. The Sessions Judge, Mahila Court,
Salem
2. The Superintendent of Police,
Central Prison,
Coimbatore.
3. The Inspector of Police,
Edapadi Police Station,
Salem District.
4. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY. J.,

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