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Crl.M.P.No.8871 of 2022 in Crl.A.No.662 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.8871 of 2022 in
Crl.A.No.662 of 2022

Rajdurai

... Petitioner

Versus

State rep by
The Inspector of Police,
AWPS, Ariyalur,
Crime No.09/2021.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 (1) of the Code of Criminal Procedure to suspend the sentence imposed in Spl.S.C.No.10 of 2021 on the file of the Learned Fast Track Mahila Court, Ariyalur dated 17.05.2022 and enlarge the petitioner on bail till the disposal of Crl.A.No.662 of 2022.

For Petitioner : Mr.Sagilesh Kumar
For Respondents : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/Accused, to suspend the sentence imposed in Spl.S.C.No.10 of 2021, on the file of the Fast Track Mahila Court, Ariyalur, dated 17.05.2022 and enlarge the petitioner on bail till the disposal of criminal appeal.

2.The learned counsel for the petitioner would submit that the allegations



are in the nature of love affair and at the time of occurrence, the accused was aged 19 years and the victim girl was aged 17 years. Therefore, he would submit that the Trial Court erred in convicting the petitioner and the petitioner is in jail from the date of judgment, i.e. 17.05.2022.

3. The learned Government Advocate (Crl.Side) would submit that the prosecution has in any event proved that the girl is less than 18 years and the Trial Court has rightly convicted the petitioner.

4. Considering the fact that the petitioner is aged 19 years and the victim is aged 17 years and that the allegation is love affair and considering the fact that the petitioner is in jail from 17.05.2022 and it may take a while for this Court to dispose of the appeal, I am of the view that this is a fit case for grant of suspension of sentence pending the above appeal. Therefore, I am inclined to suspend the sentence and grant bail to the petitioner 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



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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.

5. This Criminal Miscellaneous Petition is ordered accordingly.

01.08.2022
(2/2)

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

To
1.The Inspector of Police,
AWPS, Ariyalur,
Crime No.09/2021.

2.The Fast Track Mahila Court, Ariyalur.

3.The Public Prosecutor,
Madras High Court.

D.BHARATHA CHAKRAVARTHY. J.,



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