



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.13889 of 2021 in Crl.A.No.685 of 2021

Sekar

... Petitioner

Versus

State by Inspector of Police,
All Women Police Station,
Krishnagiri.
(Crime No.11 of 2018)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of the Code of Criminal Procedure to suspend the sentence imposed on the petitioner in Special S.C.No.48 of 2018 on the file of the learned Sessions Judge (Fast Track Court), Krishnagiri, dated 11.05.2021 and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.R.Kuyilan

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

ORDER

This Criminal Miscellaneous Petition is to suspend the sentence, dated 11.05.2021 in Spl. S.C.No.48 of 2018 on the file of the learned Sessions Judge (Fast Track Court), Krishnagiri and to release the petitioner/appellant on bail pending disposal of the above 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 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 ½ years and the petitioner/accused was aged about 25 years, at the time of occurrence. He would submit that therefore, the Trial Court erred in convicting the petitioner and he would submit that the grounds raised in the appeal would demonstrate a prima facie case on behalf of the petitioner.



4. Per contra, 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 and the petitioner/accused and considering the fact that the petitioner is under incarceration from 11.05.2021 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 COURT), KRISHNAGIRI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S. R.KUYILAN Advocate on payment of necessary
charges SR.No.10688

Order
in
CRL MP.13889/2021
in
CRL.A.685/2021
Date :05/07/2022

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CSK 06/07/2022