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Crl.M.P.No.12317 of 2022 in Crl.A.No.131 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.12317 of 2022 in Crl.A.No.131 of 2022

Manikandan

... Petitioner

Versus

The State, rep. by
Inspector of Police,
Velur Police Station,
Namakkal District.
(Crime No.600 of 2014)

... 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 S.C.No.71 of 2015 by the Sessions (Fast Track Mahila) Judge Court, Namakkal by the judgment, dated 08.10.2021 and enlarge the petitioner on bail pending disposal of the Criminal Appeal No.131 of 2022.

For Petitioner : Mr.B.Vasudevan

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



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ORDER

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This Criminal Miscellaneous Petition is to suspend the sentence imposed on the petitioner in S.C.No.71 of 2015 by the Sessions (Fast Track Mahila) Judge Court, Namakkal by the judgment, dated 08.10.2021 and enlarge the petitioner on bail pending disposal of the Criminal Appeal No.131 of 2022.

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 the allegations, in this case, are in the nature of love affair and the age of the victim, at the time of occurrence was 16 years and the age of the accused, at the time of occurrence, was 22 years. The petitioner/accused is in prison from the date of judgment i.e., 08.10.2021.

4. Per contra, the learned Government Advocate (Crl. Side) would submit that the prosecution has established that the victim girl was less than 18 years of age and the Trial Court has rightly convicted the petitioner/accused.

5. I have considered the rival submissions made on either side and



perused the material records of the case.

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6. Considering the fact that the allegations, in this case, are in the nature of love affair, considering the age of the petitioner/accused, at the time of occurrence, was 22 years and the age of the victim, at the time of occurrence, was 16 years, considering the nature of allegations that the victim girl had went along with the petitioner/accused to his house, at the time of occurrence, considering the fact that the petitioner/accused is in prison from 08.10.2021, considering the fact that it may take a while before this Court to take up the appeal, I am of the view that this is a fit case for grant of suspension of sentence and the petitioner/accused is enlarged on bail 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 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



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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.

10.08.2022

Index : yes/no

Internet : yes/no

Speaking order/Non-speaking order
grs

To

1. The Sessions (Fast Track Mahila) Judge Court,
Namakkal.
2. The Public Prosecutor,
High Court of Madras.
3. The Inspector of Police,
Velur Police Station,
Namakkal District.
4. The Superintendent,
Central Prison,
Coimbatore.



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D.BHARATHA CHAKRAVARTHY. J.,

grs

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