



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.11917 of 2021

in Crl.A.No.568 of 2021

Kumar

... Petitioner

Versus

State rep. By
Inspector of Police,
Tharamangalam Police Station,
Salem District.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) r/w Section 439 of the Code of Criminal Procedure to suspend the sentence imposed in S.C.No.201 of 2014 by Judgment dated 16.09.2021, by the Mahila Court, Salem and enlarge the appellant on bail.

For Petitioner : Mr.K.S.Karthik Raja

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

ORDER

This Criminal Miscellaneous Petition is to suspend the sentence imposed on the petitioner by the judgment, dated 16.09.2021 made in S.C.No.201 of 2014 on the file of the Mahila Court, Salem, 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 this is the case of love affair and the trial Court erred in convicting the petitioner and he would further submit that the petitioner has more than a *prima facie* case.



4. The learned Government Advocate (Crl. Side) would submit that in any event, in this case, the girl was less than 18 years of age. Therefore, Trial Court was right in convicting the petitioner and opposed the prayer of grant of suspension of sentence.

WEB COPY

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

6. Considering the submissions made on the either side, considering the allegations that the victim girl and the accused were in a relationship and that the relationship started after the death of the wife of the accused, nature of love affair and the age of the victim and the accused, considering the facts and circumstances of the case and incarceration from 16.09.2021 and the grounds raised in the appeal, for the purpose of prima facie case, I am of the view that this is a fit case for grant of suspense 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 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.

7. This Criminal Miscellaneous Petition is ordered accordingly.

-sd/-
24/06/2022

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 MAHALIR NEETHIMANDRAM
(MAHILA COURT) SALEM.

2 THE INSPECTOR OF POLICE,
THARAMANGALAM POLICE STATION,
SALEM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 C.C. to M/S. K.S.KARTHIK RAJA Advocate on payment of necessary
charges SR.NO.10060

Order

in
CRL MP.11917/2021

in
CRL A.568/2021

Date :24/06/2022

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

TA-28/06/2022