



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.12918 of 2021

in Crl.A.No.627 of 2021

Ravi @ Virumandi

... Petitioner

versus

1.State represented by
The Assistant Commissioner of Police,
North Range, Tiruppur.

2.State represented by
The Inspector of Police,
North Police Station,
Tiruppur.
(Crime No.624 of 2014)

... Respondents

PRAYER: Criminal Miscellaneous Petition has been filed under Section 389 (i) of Cr.P.C., praying to suspend the sentence imposed by the judgment dated 04.01.2020 in Special Sessions Case No.14 of 2017 on the file of the Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Tiruppur and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.

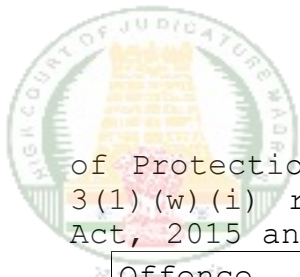
For Petitioner : Mr.G.Karuppasamy Pandiyan
for Mr.P.Senguttuarasan

For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

O R D E R

This Criminal Miscellaneous Petition has been preferred by the petitioner/accused, seeking to suspend the sentence imposed upon him, by judgment and order dated 04.01.2020 in Special Sessions Case No.14 of 2017 on the file of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Tiruppur, and to enlarge him on bail, pending disposal of the appeal.

2. The petitioner, who is the accused in Special Sessions Case No.14 of 2017 on the file of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Tiruppur. He was found guilty for the offences under Sections 366 of IPC, Section 5(I) r/w 6



of Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(w)(i) r/w 3(2) (Va) SC/ST (Prevention of Atrocities) Amendment Act, 2015 and he has been convicted and sentenced as under:

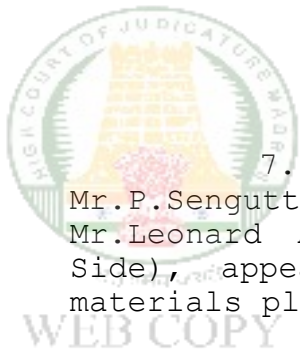
Offence	Sentence
Section 366 of IPC	Rigorous Imprisonment for 7 years along with fine of Rs.1,000/-, in default, to undergo additional Rigorous Imprisonment for 1 year
Section 5(I) r/w 6 of POCSO Act	Rigorous Imprisonment for 10 years along with fine of Rs.10,000/-, in default, to undergo additional Rigorous Imprisonment for 2 years
Section 3(1)(w)(i) r/w 3(2) (Va) SC/ST (Prevention of Atrocities) Amendment Act	Rigorous Imprisonment for 5 years along with fine of Rs.5,000/-, in default, to undergo additional Rigorous Imprisonment for 1 year
The aforesaid sentences were ordered to run concurrently.	

3. Challenging the above conviction and sentences, the petitioner/accused, has filed CrI.A.No.627 of 2021 along with the instant Miscellaneous Petition, seeking suspension of sentence and bail.

4. The case of the prosecution is that the accused kidnapped the minor victim girl from the lawful guardianship of her parents from Tiruppur to Amurdhahalli, Bangalore and married her in the temple and they stayed in a rented house. Further, the accused, who belongs to Hindu Devar community had committed penetrative sexual assault over the minor victim girl, who belongs to the Hindu Paraiyar community. Therefore, the respondent police registered a case against the petitioner/accused for the offences punishable under Sections 366 of IPC, Section 5(I) r/w 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(w)(i) r/w 3(2) (Va) SC/ST (Prevention of Atrocities) Amendment Act, 2015.

5. According to the learned counsel for the petitioner, there are arguable points available in this appeal and the petitioner has got a fair chance of succeeding in this appeal and hence, the substantive sentence imposed against the petitioner may be suspended before the trial Court.

6. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.



7. Heard Mr.G.Karuppasamy Pandiyan, learned counsel for Mr.P.Senguttuarasan appearing for the petitioner/accused and Mr.Leonard Arul Joseph Selvam, learned Government Advocate (Crl. Side), appearing for the respondents/State and also perused the materials placed on record.

8. The submissions made by the learned counsel appearing on either side are considered. The evidence given by P.W.1 needs a detailed appraisal as to whether the provisions under Section 3(1)(w) (i) r/w 3(2) (Va) SC/ST (Prevention of Atrocities) Amendment Act, 2015, is attracted or not. Further, whether the alleged offence committed by the petitioner is with the consent of the victim child or not also needs a detailed appraisal. Here, it is a case, the appeal is not likely to be taken up in the near future. Further, the petitioner is in incarceration from 04.01.2020. In such a view of the matter, this Court is of the view that the petitioner/accused is entitled to the relief of suspension of sentence and bail.

9. Accordingly, sentence of imprisonment alone is suspended and bail is granted to the petitioner on the following conditions:

(a) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Tiruppur;

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities; and

(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 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 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.

10. With the above directions, this Criminal Miscellaneous Petition is ordered.

-sd/-

04/03/2022

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,
MAHALIR NEETHIMANDRAM (FAST TRACK MAHILA
COURT) TIRUPPUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE ASSISTANT COMMISSIONER OF POLICE,
NORTH RANGE, TIRUPPUR DISTRICT

4 INSPECTOR OF POLICE,
NORTH POLICE STATION,
TIRUPPUR DISTRICT

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SECTION OFFICER,
CRIMINAL SECTION, HIGH COURT,
MADRAS.

C.C. to M/S.P.SENGUTTURASAN Advocate on payment of necessary
charges

Order
in
CRL MP.12918/2021

in
CRL A.627/2021

Date :04/03/2022

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

RVR 07/03/2022