



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Nineteenth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL MISCELLANEOUS PETITION No.12944 of 2021

IN CRL.A.239 of 2021

BALRAJ

[PETITIONER / APPELLANT]

Vs

STATE REP BY
INSPECTOR OF POLICE
KUNNAM POLICE STATION,
PERAMBALUR DISTRICT.
CRIME NO.70 OF 2016.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner/appellant by the Learned Sessions Judge, Mahila Court Perambalur in S.C.No.44 of 2018 dated 16.12.2020 and enlarge the petitioner on Bail pending disposal of the above Crl.A.239 of 2021.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.S.N.ARUNKUMAR, Advocate for the petitioner and of MR.LEONARD ARUL JOSEPH SELVAM, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

Heard both sides.

2. The learned counsel for the petitioner would submit that there are several infirmities and inconsistencies in the prosecution case and there are arguable points in the main criminal appeal. He would further submit that the petitioner is now confined in Central Prison, Tiruchirapalli.

3. The learned Government Advocate (Crl. Sid) appearing for the respondent police would strongly object the petition and submits that the petitioner was convicted for an offence under Section 376 of IPC.



4. Now, on considering the said submission with the relevant records, it would appear that during the relevant point of time, the petitioner committed the offence of rape upon the victim, who is a mentally retarded girl.

5. Therefore, considering the nature of offence committed by the petitioner, this Court is not inclined to allow this petition. Furthermore, the earlier application filed by the petitioner for the same relief was dismissed by this Court on 03.08.2021. Thereafter, there is no subsequent changes found in the case of the petitioner.

6. Resultantly, this Criminal Miscellaneous Petition is dismissed.

-sd/-

19/04/2022

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.

TO

1 THE SESSIONS JUDGE
MAHILA COURT PERAMBALUR.

2 THE INSPECTOR OF POLICE
KUNNAM POLICE STATION,
PERAMBALUR DISTRICT.

3 THE OFFICER INCHARGE
SUB JAIL, ARIYALUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.S.N.ARUNKUMAR Advocate on payment of necessary charges

Order

in

CRL MP.12944/2021

in

CRL A.239/2021

Date :19/04/2022

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

JPA 25/04/2022