



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Third day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL MISCELLANEOUS PETITION No.13046 of 2021

IN CRL.A.NO.634 of 2021

NETHAJI @ VETRI

[PETITIONER/APPELLANT]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUCHENGODE,
NAMAKKAL DISTRICT.
(CRIME NO.06/2018)

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence of imprisonment imposed in the judgment dated 10/11/2021 made in Spl.C.C.No.8 of 2019 on the file of the Learned Sessions Judge, Fast Track Mahila Court, Namakkal and enlarge the petitioner on bail pending disposal of the above Crl.A.No.634 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 N.MANOCHARAN, Advocate for the petitioner, and of M/S.LEONARD ARUL JOSEPH SELVAM, Govt. Advocate (Crl. Side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence of imprisonment imposed by the order dated 10.11.2021 in Spl.C.C.No.08 of 2019 on the file of the learned Sessions Judge, Fast Track Mahila Court, Namakkal and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.



2. This Court heard the learned counsel for the petitioner and the learned Government Advocate(Crl.Side) for the respondent and also perused the materials placed on record.

3. In and by the judgment of the learned Sessions judge, Fast Track Mahila Court, Namakkal, the Petitioner was convicted for the offences under Section 8 of the Protection of Children from Sexual Offences Act, 2012 to undergo 5 years rigorous imprisonment and to pay a fine of Rs.5,000/- in default of payment of fine to undergo 6 months of Simple Imprisonment for the offences under Section 7 of the POCSO Act, 2012 and 2 years rigorous imprisonment for offence under Section 506(i) of IPC. The sentence was ordered to run consecutively. Against which, the present Appeal has been filed.

4. The learned counsel for the petitioner/appellant submitted that the core allegation against the appellant is that he has hugged the minor girl against her will.

5. According to the learned counsel for the petitioner/accused, there are arguable points available in the Criminal Appeal Case, and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal Case and hence, the substantive sentence imposed against the Petitioner/Accused may be suspended.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Namakkal.

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

(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 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. The Criminal Miscellaneous Petition stands ordered accordingly.

-sd/-
23/02/2022

WEB COPY

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
FAST TRACK MAHILA COURT,
NAMAKKAL.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUCHENGODE, NAMAKKAL DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 C.C. to M/S.N.MANOCHARAN Advocate on payment of necessary charges SR.NO.2858

Order

in
CRL MP.13046/2021
in
CRL A.634/2021

Date :23/02/2022

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TA-02/03/2022