



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty First day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL MISCELLANEOUS PETITION No.13019 of 2021

IN CRL A.631 of 2021

SUBASH

[PETITIONER / APPELLANT]

Vs

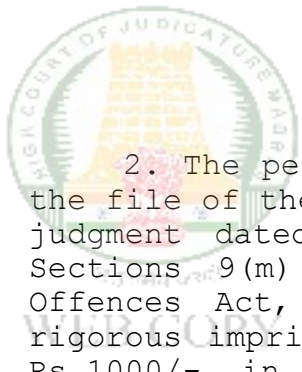
STATE REP BY
INSPECTOR OF POLICE,
MALAYAMPALAYAM POLICE STATION,
CRIME NO.43 OF 2019.

[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 of imprisonment imposed in the judgment dated 09.11.2021 passed in Special S.C.No.30 of 2019 on the file of the Fast Track (Sessions Judge), Mahila Court, Erode and enlarge the petitioner on Bail pending disposal of the above Crl.A.No.631 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. R.NALLIYAPPAN, 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:-

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence imposed on him by an order dated 09.11.2021 in Spl.S.C.No.30 of 2019 by the learned Sessions Judge, (Fast Track Mahila Court), Erode and to enlarge the petitioner on bail pending disposal of the above Appeal.



2. The petitioner herein faced trial in Spl.S.C.No.30 of 2019 on the file of the Fast Track Mahila Court, Erode and the trial Court, by judgment dated 09.11.2021 was found guilty of the offences under Sections 9(m) r/w 10 of the Protection of Children from Sexual Offences Act, 2012 and convicted and, sentenced him to undergo rigorous imprisonment for a period of 5 years and to pay a fine of Rs.1000/-, in default, to undergo simple imprisonment for a period of two months. Challenging the same, the present Appeal has been filed.

3.The learned counsel for the petitioner/appellant submitted that it is the case of bad touch of a girl aged 8 years and the petitioner himself did not have intellectual growth in terms of psychiatrically, who aged not more than 45 years and hence, he prays to suspend the substantive sentence imposed against the Petitioner/Accused.

4.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.

5. 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 imposed as against the petitioner alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence is granted subject to the following conditions:

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

(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.

(c) The petitioner shall report before the learned Judicial Magistrate No.I, Namakkal daily at 10.30 a.m for a period of one month.



6. This Criminal Miscellaneous Petition stand ordered accordingly.

WEB COPY

-sd/-
21/02/2022

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,
(FAST TRACK MAHILA COURT), ERODE.

2 THE JUDICIAL MAGISTRATE,
NO.I, NAMAKKAL.

3 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION].

4 THE INSPECTOR OF POLICE,
MALAYAMPALAYAM POLICE STATION,

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. R.NALLIYAPPAN Advocate on payment of necessary charges SR.NO.2722

Order
in
CRL MP.13019/2021
in
CRL A.631/2021

Date :21/02/2022

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

JPA 24/02/2022