



Crl.M.P.No.1287 of 2022  
in  
Crl.A.No.94 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2022

CORAM :

**THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

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in  
Crl.A.No.94 of 2022

Suresh,  
S/o.Yelumalai

... Petitioner

**Versus**

State rep through SHO,  
Inspector of Police,  
All Women Police Station,  
Thirukovilur.  
(Cr.No.19 of 2009)

... Respondent

**Prayer:** Criminal Miscellaneous Petition filed under Sections 389(1) & (2) of the Code of Criminal Procedure to suspend the sentence of imprisonment passed by the trial court the District Mahalir Court (Mahila Fast Track), at Villupuram dated 30.11.2021 Sessions Case No.146 of 2015 and direct the release of the petitioner/appellant on pending disposal of the appeal.

For Petitioner : Mr.S.Kingston Jerold

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



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### **ORDER**

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence, imposed by the District Mahalir Court (Mahila Fast Track) at Villupuram in Sessions Case No.146 of 2015, dated 30.11.2021 and direct the release of the petitioner on pending disposal of the appeal.

2.The learned Counsel for the petitioner taking this Court through the evidence on record and the findings of the Trial Court would submit that in this case, the allegations are in the nature of love affair and promising to marry and having intercourse. He would submit that offence under Section 376 of IPC is not at all made out. Therefore, prays for suspension of sentence.

3. The learned Government Advocate (Crl.Side) would submit that the offence under Section 376 of IPC is made out as a false promise was made and consent was obtained.

4. Considering the nature of allegations in this case, being a love affair and promise to marry and having intercourse, and considering the fact that the petitioner is in jail from 30.11.2021, I am of the view that this is a fit case,



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where the sentence can be suspended, pending the criminal appeal.

Accordingly, the sentence imposed on the petitioner is suspended with 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.

5. Accordingly, the Criminal Miscellaneous Petition is ordered.

**14.07.2022**  
(2/2)

Index : yes/no  
Speaking order/Non-speaking order  
sp



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**D.BHARATHA CHAKRAVARTHY. J.,**

sp

To

- 1.The District Mahalir Court (Mahila Fast Track), Villupuram.
- 2.The Superintendent, Central Prison, Cuddalore.
- 3.The Public Prosecutor, Madras High Court.

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