



Crl.M.P.No.14466 of 2021 in Crl.A.No.722 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.14466 of 2021

in

Crl.A.No.722of 2021

Anadakumar

... Petitioner

Versus

State rep. by
The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) r/w Section 439 of the Code of Criminal Procedure to suspend the sentence imposed in the judgment dated 20.10.2021 made in Spl.C.C.No.20 of 2019 on the file of the Sessions Judge (Mahila Court, Coimbatore) and enlarge the petitioner on bail.

For Petitioner : Mr.S.Yogalakshmi

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

ORDER

This Criminal Miscellaneous Petition is to suspend the sentence imposed on the petitioner by the judgment, dated 20.10.2021, in Spl.C.C.No.20 of 2019, on the file of the Mahila Court, Coimbatore, pending disposal of the above appeal.



Crl.M.P.No.14466 of 2021 in Crl.A.No.722 of 2021

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2.The learned counsel for the petitioner would submit that in this case PW1, namely, the father of the victim girl himself had turned hostile and the prosecution has not categorically established about the offences. She would submit that the petitioner is in prison from 20.10.2021 and he is the sole breadwinner of his family and the entire family is in doldrums on account of the petitioner being in incarceration.

3.Per contra, the learned Government Advocate (Crl.Side) would submit that the petitioner is a married man and had intercourse with the victim child after promising her to marry. Therefore, the Trial Court had rightly convicted the petitioner.

4.I have considered the rival submissions made on either side. The petitioner is a married man and therefore, the allegations are serious in nature. However, only considering the fact that the petitioner is in prison from 20.10.2021 and it may take a while for this Court to dispose of the appeal, I am of the view that the petitioner is entitled for suspension of sentence pending the above appeal. Therefore, I am inclined to suspend the sentence and grant bail to the petitioner on the following conditions:-



Crl.M.P.No.14466 of 2021 in Crl.A.No.722 of 2021

WEB COPY

(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. This Criminal Miscellaneous Petition is ordered accordingly.

24.08.2022

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Index : Yes/No

Internet: Yes/No

Speaking order/Non-speaking order



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Crl.M.P.No.14466 of 2021 in Crl.A.No.722 of 2021

D.BHARATHA CHAKRAVARTHY. J.,

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To

- 1.The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore.
- 2.The Public Prosecutor, High Court of Madras.
- 3.The Superintendent, Central Jail,
Coimbatore.
- 4.The Sessions Judge, Mahila Court, Coimbatore.

Crl.M.P.No.14466 of 2021
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24.08.2022