



WEB COPY



Crl.M.P.No.19578 of 2022 in Crl.A.No.1295 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.19578 of 2022

in

Crl.A.No.1295 of 2022

Arun Raj

... petitioner

/vs/

The State, represented by
the Inspector of Police,
All Women Police Station,
Ariyalur.

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the sentence imposed against the petitioner on 09.12.2022 in Spl.S.C.No.62 of 2021 by the Fast Track Mahila Court, Ariyalur and enlarge the petitioner on bail pending disposal of the above appeal.

For petitioner

... Mr. V. Illanchezian

For Respondent

... Mr.C.E.Pratap, GA (crl.side)

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed against the petitioner on 09.12.2022 in Spl.S.C.No.62 of 2021 by the Fast Track Mahila Court, Ariyalur and enlarge the petitioner on bail pending disposal of the above appeal.



WEB COPY

2. Totally there are two accused in Spl.S.C.No.62 of 2021 on the file of Fast Track Mahila Court, Ariyalur. The trial court, by its judgment dated 09.12.2022, convicted and sentenced A1 as follows;

<i>petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1	Sec.8 of POCSO Act, 2012 and Section 354 A of IPC.	To undergo 3 years RI and a fine of Rs.25,000/-, in default of payment of fine, to undergo 3 months SI.

The trial court acquitted both A1 and A2 from the charge under section 294(b) IPC.

3. Aggrieved over the same, the petitioner who is A1 has preferred the present criminal appeal along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. Heard the learned counsel appearing for the petitioner and the learned Govt. Advocate (crl.side) appearing for the State.

5. The learned counsel for the petitioner submitted that there are arguable points in this appeal and the petitioner has a good and fair chance of success in this appeal. He would further submit that the fine amount was



already paid. Thus, he prayed for suspension of sentence imposed on the petitioner till the disposal of this Criminal appeal.

6. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence alone is granted on the following conditions:

- (i) The petitioner shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each, for a likesum to the satisfaction of Fast Track Mahila Court, Ariyalur.
- (ii) The petitioner and the sureties shall affix their photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

22.12.2022

msr



Crl.M.P.No.19578 of 2022 in Crl.A.No.1295 of 20--

To

1. The Fast Track Mahila Court, Ariyalur.
2. The Inspector of Police,
All Women Police Station,
Ariyalur.
3. The Public Prosecutor
High Court, Madras



WEB COPY



Crl.M.P.No.19578 of 2022 in Crl.A.No.1295 of 2022

V.SIVAGNANAM, J.

msr

Crl.M.P.No.19578 of 2022
in
Crl.A.No.1295 of 2022

22.12.2022