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CrI.M.P.No.4809 of 2023 in CrI.A.No.371 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.M.P.No.4809 of 2023

in

CrI.A.No.371 of 2023

A.Anantharaj

... Petitioner

/vs/

The Inspector of Police,
All Women Police Station, Jayankondam,
Ariyalur District. Cr.No.5/2019

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) r/w. 439 of Cr.P.C., to suspend the sentence imposed against the petitioner in the order passed in SC.No.132 of 2019 by the Sessions Judge, Fast Track Mahila Court, Ariyalur, dated 27.01.2023 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner

... Mr. K.Ashok Kumar

For Respondent

... Mr.A.Gokulakrishnan,
Additional Public Prosecutor



ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed against the petitioner in the order passed in SC.No.132 of 2019 by the Sessions Judge, Fast Track Mahila Court, Ariyalur, dated 27.01.2023.

2. The trial court, by its judgment dated 27.01.2023, convicted and sentenced the petitioner/A1 as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1	U/s.376(2)(n)	To undergo RI for 10 years and to pay a fine of Rs.1,00,000/-, in default in payment, to undergo SI for 1 year.
	U/s.417 IPC	To undergo RI for 1 year and to pay a fine of Rs.10,000/-, in default in payment, to undergo SI for 1 year.

The sentences of imprisonment were ordered to run concurrently.

3. Challenging the above conviction and sentence, the petitioner has filed the present Crl.A. along with the instant miscellaneous petition, seeking suspension of sentence and bail.



4. The learned counsel for the petitioner submitted that the appeal has been filed against the conviction and the fine amount is not paid, since he is not having that much financial capacity and he is ready to pay the fine amount within two months after his release from jail. He also submitted that the petitioner is having love affair with the victim girl. Since the petitioner refused to marry her, the complaint has been lodged belatedly and based upon the belated complaint, the petitioner was convicted. The learned counsel for the petitioner further submitted that the judgment of the trial court is contrary to law, weight of evidence and probabilities of the case. He would further submit that there are arguable points in this Appeal and the petitioner has every chance to succeed in this Criminal Appeal. Thus, he prayed for suspension of sentence till the disposal of this Criminal Appeal.

5. The learned Additional Public Prosecutor submitted that admittedly there is a love affair between the petitioner and the victim. Since he refused to marry her and failed to honour his promise, the complaint has been given by the complainant and after trial, the petitioner has been found guilty and he has been imposed a fine of Rs.1,10,000/-. So far, the petitioner had not paid the fine amount. Hence, he objected to consider petition for suspension of



sentence.

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6. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

7. 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.

8. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the Sessions Judge, Fast Track Mahila Court, Ariyalur;
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the trial Court may obtain a copy of their



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Aadhaar card or Bank pass Book to ensure their identity;
and;

- (iii) The petitioner shall appear before the trial Court as and when required.
- (iv) The petitioner has to pay the fine amount of Rs.1,10,000/- within a period of two (2) months from the date of his release, failing which the suspension of sentence and bail granted will be cancelled and the petitioner shall surrender before the trial Court.

05.04.2023

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To

1. The Sessions Judge,
Fast Track Mahila Court,
Ariyalur.
2. The Inspector of Police,
All Women Police Station, Jayankondam,
Ariyalur District.
3. The Public Prosecutor, High Court, Madras.
4. The Superintendent, Central Prison,
Trichirapalli.



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V.SIVAGNANAM, J.

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