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Crl.M.P.No.4947 of 2023 in Crl.A.No.384 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.4947 of 2023

in

Crl.A.No.384 of 2023

Vijayakumar

... Petitioner

/vs/

State Rep by
The Inspector of Police,
All Women Police Station,
Jayankondam,
Ariyalur District
Crime No.16 of 2020
Respondent

..

Prayer : Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the sentence imposed on the petitioner in Spl.S.C.No.37 of 2020 on the file of the learned Fast Track Mahila Court, Ariyalur dated 22.02.2023 and to enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner ... Mr.R.John Sathyan, Senior Counsel
for Mr.P.Parthikannan



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For Respondent ... Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of imprisonment imposed in the judgment dated 22.02.2023 made in Spl.S.C.No.37 of 2020 on the file of the Fast Track Mahila Court, Ariyalur and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.

2. The petitioner, who is the 1st Accused in Spl.S.C.No.37 of 2020 is convicted and sentenced by the trial court, by its judgment dated 22.02.2023 as follows:

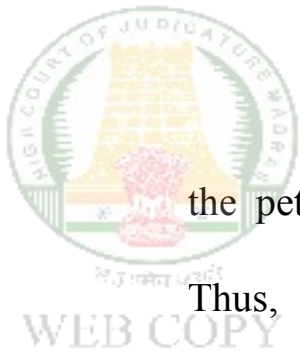
<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Accused-1	Section 6(1) of the Protection of Children from Sexual Offences Act, 2012	To undergo 20 years RI and a fine of Rs.1,00,000/-, in default in payment of fine, to undergo SI for a period of 1 year SI.
Accused-1	Section 366 of I.P.C	To undergo 10 years RI and to pay a fine of Rs.10,000/-, in default in



<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
		payment of fine, to undergo a further period of 1 year SI.

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner in Spl.S.C.No.37 of 2020, the petitioner/A1 has filed the present criminal appeal, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. The learned counsel for the petitioner submitted that the judgment of the trial court is contrary to law, weight of evidence and probabilities of the case. He further submitted that the petitioner/A1 and the victim girl loved each other for 2 years. But, according to the prosecution, the petitioner/A1 took the victim girl to his friend's house and he had sexual intercourse without her consent. Since the petitioner / A1 refused to marry her, the case has been registered against the accused. During the cross examination, it is admitted by the victim girl that there was a relationship between her and the petitioner / A1. 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 appearing for the respondent Police has filed a counter and objected to suspend the sentence and grant bail to the petitioner.

6.Heard learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

7.On perusal of the records, it is seen that the petitioner/A1 and the victim girl loved each other for 2 years. The petitioner/A1 took the victim girl to his friend's house and he had sexual intercourse without her consent. Since the petitioner / A1 refused to marry her, the case has been registered. However, on perusal of deposition of the Victim girl/P.W1, it is noticed that during the cross examination, she deposed that she had love affair with the petitioner / A1 for 2 years and admitted the relationship between her and the petitioner/A1.



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8.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.

9.Accordingly, the relief of suspension of sentence and bail is granted to the petitioner/A1 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 learned 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 above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;



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(iii) The petitioner shall appear before the trial Court
as and when required.

25.04.2023

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To

1. The 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,
Trichy



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V.SIVAGNANAM, J.

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