



Crl.M.P.No.6194 of 2023 in Crl.A.No.499 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.6194 of 2023

in

Crl.A.No.499 of 2023

Siranjeevi

... Petitioner

/vs/

The State of Tamil Nadu,
represented by Inspector of Police,
Krishnagiri,
Krishnagiri District

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the sentence imposed against the petitioner in Spl.S.C.No.37 of 2021 on the file of the learned Sessions Judge (Fast Track Mahila Court), Krishnagiri, Krishnagiri District, dated 18.04.2023 and enlarge the petitioner on bail, pending disposal of the said criminal appeal.

For Petitioner ... Mr. E. Kannadasan

For Respondent ... Mr.A. Gokulakrishnan
APP



ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed against the petitioner in Spl.S.C.No.37 of 2021 on the file of the learned Sessions Judge (Fast Track Mahila Court), Krishnagiri, Krishnagiri District, dated 18.04.2023 and enlarge the petitioner on bail, pending disposal of the said criminal appeal.

2. The petitioner, who is the sole accused in Spl.S.C.No.37 of 2021 is convicted and sentenced by the trial court, by its judgment dated 18.04.2023 as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.366 IPC	To undergo 4 years RI and a fine of Rs.1,000/-, in default in payment of fine, to undergo SI for a period of 3 months.
	U/s.5(1) r/w.6(1) of POCSO Act, 2012 (Amendment Act 2019)	To undergo 20 years RI and to pay a fine of Rs.1000/-, in default in payment of fine, to undergo one year SI.

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner in Spl.S.C.No.37 of 2021, the petitioner 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. The petitioner and the victim girl have love affair with each other and subsequently, the victim girl got married to petitioner. In this regard, she also wrote a letter to Superintendent of Police, Thirupathur District to provide protection to them and the family of the petitioner, since they have married without the consent of victim girl's parents. In her deposition also, the victim girl admitted her love affair with the petitioner. Thus, he would further submit that there are arguable points in this appeal and the petitioner has every chance to succeed in this Criminal appeal and the fine amount has been already paid. Hence, he prayed for suspension of sentence till the disposal of this Criminal appeal.

5. Heard learned counsel for the petitioner and the learned Govt. Advocate (crl.side) appearing for the respondent and perused the impugned order and other materials available on record.

6. On perusal of records, it is seen that there was already a love affair between the victim girl and the petitioner and subsequently, she got married



to the petitioner and informing the above fact, she had also written a letter to the Superintendent of Police, Thirupattur seeking protection to them and the family of the petitioner. Thus the petitioner has raised substantial grounds in the appeal which require detailed appraisal and he has arguable point in this appeal. Further, the appeal is not likely to be taken up in the near future. Considering the facts and circumstances of the case and gravity of the offence and the petitioner is now under incarceration, 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 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, (FTMC), Krishnagiri.
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the abovesaid Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity;



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Crl.M.P.No.6194 of 2023 in Crl.A.No.499 of 20__

and;

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

28.04.2023

msr

To

- 1.The Sessions Judge,
(FTMC), Krishnagiri.
- 2.The Inspector of Police,
All Women Police Station,
Krishnagiri, Krishnagiri District.
- 3.The Public Prosecutor, High Court, Madras.
4. The Superintendent, Central Prison,
Vellore.



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V.SIVAGNANAM, J.

msr

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