



Crl. M.P. No.10876 of 2023 in Crl.A.No.784 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

Crl.M.P.No.10876 of 2023
in Crl.A. No.784 of 2023

Mubarak

...Petitioner

vs.

State Rep. by
Inspector of Police,
W-13, All Women Police Station,
Washermenpet, Chennai - 21.
(W-13, Crime No.09/2017)

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. praying to suspend the sentence imposed in S.C.No.49/2023 dated 17.05.2023 by the learned Sessions Judge Mahila Court, Allikulam, Chennai and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.D.Gopalakrishnan

For Respondent : Mr.S.Sugendran, APP



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ORDER

This criminal miscellaneous petition is filed seeking suspension of sentence imposed by the Sessions Judge Mahila Court, Allikulam, Chennai in S.C.No.49/2023 dated 17.05.2023 and to enlarge the petitioner on bail.

2. The petitioner is the first accused in S.C.No.49/2023 before the Sessions Judge Mahila Court, Allikulam, Chennai and he was convicted and sentenced on 17.05.2023 as under:

<i>S.No.</i>	<i>Offences under which convicted</i>	<i>Sentence</i>
1	Section 417 IPC	Rigorous imprisonment for one year and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for three months.

3. Heard Mr.D.Gopalakrishnan, the learned counsel for the petitioner and Mr.S.Sugendran, learned Additional Public Prosecutor for the respondent.



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4. The learned counsel for the petitioner contended that the accused is innocent, a false case has been foisted against him and that he has fair chance to prove his innocence and succeed in the appeal and prayed for suspending the sentence till the conclusion of this appeal.

5. Considering the facts and circumstances of the case, this Court is of the view that the petitioner/appellant is entitled to the relief of suspension of sentence and bail with certain conditions.

6. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioner on the following conditions:

- i. The petitioner shall execute a bond for a sum of Rs.25,000/- each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Sessions Judge Mahila Court, Allikulam, Chennai.
- ii. The sureties shall affix their photographs and Left Thumb Impression on the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and



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- iii. The petitioner shall appear before the respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the 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 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.

21.07.2023

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R.HEMALATHA, J.
mtl

To

1.The State Rep. by
Inspector of Police,
W-13, All Women Police Station,
Washermenpet, Chennai - 21.

2.The Sessions Judge Mahila Court, Allikulam, Chennai

3.The Section Officer, Criminal Section, Madras High Court, Chennai.

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