



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Nineteenth day of January Two Thousand and Twenty
Three

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
and
The Hon`ble Mr.Justice SUNDER MOHAN

CRL MP(MD) No.15289 of 2022
in
CRL A(MD) No.844 of 2022

THAMARAISELVAM

... PETITIONER/APPELLANT

Vs

State Rep.by
THE INSPECTOR OF POLICE
PONNAMARAVATHY POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO.70 OF 2019.

... RESPONDENT/RESPONDENT

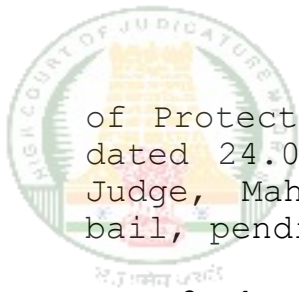
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence passed by the Hon'ble Mahila Court (Sessions Judge), Pudukkottai in Spl.S.C.No.16 of 2019 dt.24.03.2022 and release the Petitioner/Appellant on bail.

Prayer in CRL A(MD).844 of 2022 :

To call for the records relating to the judgment passed by the Hon'ble Mahila Court (Sessions Judge), Pudukkottai in Spl.S.C.No.16 of 2019 dated 24.03.2022 and set aside the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.GUNASEKARAN P, Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This application is filed by the Life Convict, who was convicted for the offence under Section 363 IPC and Sections 5(1) r/w 6 of Protection of Children from Sexual Offences Act, 2012, and sentenced to undergo 7 years rigorous imprisonment and a fine of Rs.20,000/-, in default, to undergo simple imprisonment for one year for the offence under Section 363 IPC and to undergo Life Imprisonment and a fine of Rs.25,000/-, in default, to undergo one year simple imprisonment for the offence under Sections 5(1) r/w 6



of Protection of Children from Sexual Offences Act, 2012, dated 24.03.2022 in Spl.S.C.No.16 of 2019 by the learned Sessions Judge, Mahila Court, Pudukkottai, for suspension of sentence and bail, pending disposal of the criminal appeal.

2.The learned counsel for the petitioner/appellant would submit that the victim girl and the appellant are relatives and were in love. Now, the victim girl attained majority and due to infatuation, they eloped. Now they are ready to marry apart from the present development, certain other points to substantiate the appeal also been canvassed.

3.Taking note of the grounds of appeal, this Court is of the view that arguable points are available for the appellant. Hence, pending disposal of the appeal, the sentence may be suspended on the following conditions:

[a] the petitioner is directed to be enlarged on bail on executing a bond for a sum of Rs.25,000/- (Rupees ten thousand only) with two sureties, each for a like-sum to the satisfaction of the learned Judicial Magistrate, Thirumayam, Pudukkottai District;

[b] the petitioner shall appear before the learned Sessions Judge, Mahila Court, Pudukkottai, once in every month, ie., on the first working day of every English Calendar month, at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] mobile number of the petitioner/accused shall be furnished to the respondent police and the petitioner should not change the mobile number;

[e] the petitioner shall not leave the headquarters without the permission of this Court;

[f] if the petitioner wants to leave the headquarters, he shall furnish the address, where he is going to stay and the mobile number of the person with whom he is going to stay;

[g] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[h] on breach of any of the aforesaid conditions, the learned Sessions Judge/Trial Court is entitled to take appropriate action against the petitioner in accordance with law.

sd/-

19/01/2023

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19/01/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

pjl

<https://www.mhc.tn.gov.in/judis>



TO

- 1 THE SESSIONS JUDGE, MAHILA COURT, PUDUKKOTTAI.
 - 2 THE JUDICIAL MAGISTRATE, THIRUMAYAM, PUDUKKOTTAI DISTRICT.
 - 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.
 - 4 THE INSPECTOR OF POLICE, PONNAMARAVATHY POLICE STATION,
PUDUKKOTTAI DISTRICT.
 - 5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.GUNASEKARAN P, Advocate (SR-760[I] dated 19/01/2023)

ORDER
IN
CRL MP(MD) No.15289 of 2022
in
CRL A(MD) No.844 of 2022
Date :19/01/2023

RS/VR/SAR.(19.01.2023) 3P-8C