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Crl.M.P.No.5079 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.M.P.No.5079 of 2024

in Crl.A.No.329 of 2024

Shankar

...Petitioner

Vs.

The State rep. By the
Inspector of Police,
Kalambar Police Station,
Tiruvannamalai
(Crime No.240 of 2013)

...Respondent

Prayer: Miscellaneous Petition has been filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed in Sessions Case No.52 of 2019 dated 29.02.2024 passed by the Hon'ble Additional District Court (FTC), Arani and to enlarge the petitioner on bail.

For Petitioner

: Mr.John Sathyan
Senior Counsel
for Mr.K.V.Muthu Visakan

For Respondent

: Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous petition has been filed to suspend the sentence of imprisonment imposed on the petitioner herein in S.C.No. 52

Page No:1/6



Crl.M.P.No.5079 of 2024

of 2019 dated 29.02.2024 on the file of the learned Additional District Court (FTC), Arani.

2. The petitioner is in jail for nearly 4 months and the trial Court has convicted the petitioner and sentenced him to undergo rigorous imprisonment for ten years with a fine of Rs.5000/- in default of payment of fine, to undergo rigorous imprisonment for two year under Section 304(ii) of IPC.

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

4.The case of the prosecution is that on 28.09.2023 at about 07.00 a.m., the victim minor girl aged about 4.5 years was fell down into the abandoned unclosed borewell and the petitioner/A1 is the Co-owner of the land in which the borewell was located. However, A2 and A3 are driller and owner of borewell lorry and they were implicated for the offence punishable under Section 304(ii) of IPC and the case ended in



Crl.M.P.No.5079 of 2024

acquittal. The Trial Court has not awarded any compensation under Section 357 of Cr.P.C.

5. Learned counsel appearing for the petitioner submitted that the petitioner without prejudice to his rights in this appeal is ready to pay a sum of Rs.5,00,000/- as compensation to the mother of the victim girl and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

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

7. Considering the fact that the petitioner is willing to pay a sum of Rs.5,00,000/- as compensation to the mother of the victim girl and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, petitioner ***is ordered to be released on bail*** subject to the following conditions:



Crl.M.P.No.5079 of 2024

WEB COPY

(i) the petitioner is directed to draw a Demand Draft for a sum of Rs.5,00,000/- (Rupees five lakhs only) in favour of the mother of victim girl (P.W.1-Malarkodi).

(ii). The petitioner shall produce the receipt of payment and execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Additional District Court (FTC), Arani.

(iii)the petitioner shall appear before the respondent police weekly once i.e. First working day of every month at 10.30 a.m. until further orders;

11.06.2024

msv

Note to office: Issue order copy on 11.06.2024

Index : Yes/No

Speaking Order : Yes/No

NCC : Yes/No



Crl.M.P.No.5079 of 2024

To

1. The Additional District Court (FTC), Arani.

2. The Superintendent, Vellore Prison.

3. Inspector of Police,
Kalambur Police Station,
Tiruvannamalai

4. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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Crl.M.P.No.5079 of 2024

M.DHANDAPANI, J.

msv

Crl.M.P.No.5079 of 2024
in Crl.A.No.329 of 2024

11.06.2024