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Crl.M.P.No.6579 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2024

CORAM:

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

Crl.M.P.No.6579 of 2024
in Crl.A.No.443 of 2024

Dharmalingam

...Petitioner

Vs.

The Inspector of Police,
H1, Washermenpet Police Station,
Chennai – 600021.
(Crime No.1664/2012)

...Respondent

Prayer : Miscellaneous Petition has been filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed on the petitioner by the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai under S.C.No.173 of 2016 dated 18.07.2023 and enlarge the petitioner on bail.

For Petitioner : Mr.M.P.Saravanan

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.173 of 2016 dated 18.07.2023 on the file of the learned Sessions

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Judge, Mahalir Neethimandram, Allikulam, Chennai for the offence under Section 376(1) of IPC.

2. The petitioner is in jail for nearly 2 years and the trial Court has convicted the petitioner under Section 376(1) of IPC and sentenced to undergo 10 years Rigorous imprisonment with a fine of Rs.25,000/- in default of payment of fine one year rigorous imprisonment with a fine of Rs.5,000/- in default of the same, two months of Simple Imprisonment.

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 the victim is aged about 17 years. The petitioner was already a married person and during the year 2012, he got acquainted with the victim girl who was working in a steel company. The petitioner suppressing his earlier marriage induced the victim girl with love affair and enticed the victim girl under the promise of marriage and indulged in sexual intercourse several times and made



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her pregnant. Hence, the complaint was lodged by the father of the victim, the respondent police has registered a case.

5. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent. The victim girl and the petitioner loved each other and with the consent of the victim, the petitioner accompanied her. Hence, he prays for grant of bail to the petitioner.

6. Considering the fact that the petitioner and the victim were loved each other for a period of more than seven years 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:

(i) the petitioner shall 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 Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai.



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

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msv

Note to office: Issue order copy on 05.06.2024

Index : Yes/No

Speaking Order : Yes/No

NCC : Yes/No

To

1. Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai.

2. Central Prison,
Puzhal.

3. The Inspector of Police,
H1, Washermenpet Police Station,
Chennai – 600021.

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



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M.DHANDAPANI, J.

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