



CRL MP(MD) No.4973 of 2024

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

Monday, the Twenty Ninth day of April Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD) No.4973 of 2024

IN

CRL A(MD)No. 525 of 2022

SOLAI GANESAN

... PETITIONER/PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.
CRIME NO.5 OF 2018.

... RESPONDENT/RESPONDENT/ COMPLAINANT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to extend the Interim bail order dt. 12.02.2024 passed in Crl M.P (MD) No. 1152 of 2024 in Crl A (MD) No. 525 of 2022 from 13.05.2024 to 31.12.2024

PRAYER IN CRL A(MD)No. 525 of 2022:

Pleased to Call for the records relating to the judgment passed in Spl.S.C.No. 26/2018 on the file of the Court of the Learned Mahila Court, Pudukottai dated on 14.06.2022 and set aside the same and acquit the Appellant/Accused No.1 from the charges leveled against him.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.K.RAJESHWARAN, Advocate for the petitioner and of MR.B.NAMBISELVAN,

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



CRL MP(MD) No.4973 of 2024

Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Miscellaneous Petition has been filed to extend the interim bail order dated 12.02.2024 passed in Crl.M.P.(MD).No.1152 of 2024 in Crl.A.(MD).No.525 of 2022, from 13.05.2024 to 31.12.2024.

2.The petitioner is the accused No.1 in Spl S.C.No.26 of 2018, on the file of the learned Sessions Judge, Mahila Court, Pudukkottai. The learned trial Judge has convicted the accused by order dated 14.06.202, as follows:

Sl.No	Conviction under Section	Sentence
1	417 of IPC	To undergo rigorous imprisonment for 1 year and to pay a fine of Rs.10,000/- in default to undergo rigorous imprisonment for 6 months
2	420 of IPC	To undergo rigorous imprisonment for 7 years and to pay a fine of Rs.50,000/- in default to undergo rigorous imprisonment for 1 year
3	494 of IPC	To undergo rigorous imprisonment for 7 years and to pay a fine of Rs.50,000/- in default to undergo rigorous imprisonment for 1 year
4	495 of IPC	To undergo rigorous imprisonment for 10 years and to pay a fine of Rs.50,000/- in default to undergo rigorous imprisonment for 1 year
5	496 of IPC	To undergo rigorous imprisonment for 7 years and to pay a fine of Rs.50,000/- in default to undergo rigorous imprisonment for 1 year



CRL MP(MD) No.4973 of 2024

6	498(A)(b) of IPC	To undergo rigorous imprisonment for 3 years and to pay a fine of Rs.50,000/- in default to undergo rigorous imprisonment for 1 year
7	506(i) of IPC	To undergo rigorous imprisonment for 2 years

3.Pending appeal, the petitioner herein filed the criminal miscellaneous petition in CrI.M.P.(MD).No.10070 of 2022 to suspend the sentence imposed against him in Spl.S.C.No.26 of 2018. The same was dismissed.

4.Thereafter, the petitioner filed another petition seeking suspension of sentence in CrI.M.P.(MD).No.13638 of 2022, the same was also dismissed by order dated 21.11.2022. Again, the petitioner preferred the petition in CrI.M.P.(MD).No.386 of 2023, the same was also dismissed on 03.02.2023. Once again another CrI.M.P.(MD).No.5032 of 2023 was filed by the petitioner, the same was also dismissed on 05.04.2023.1152 of 2024, and ordered as follows:

7.considering the above situation and in view of the submissions made by the learned Senior Counsel for the petitioner that there is a possibility of settlement, this Court is inclined to grant interim suspension of sentence for three months.

8.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended for a period of three months from today pending disposal of the Criminal Appeal with the following



CRL MP(MD) No.4973 of 2024

directions:

(i)the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Pudukkottai and

(ii)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

(iii)the petitioner shall appear before the trial Court once in a month ie., on the 15th working day of every English calendar month at 10.30 a.m., for a period of three months;

(iv)in case, if the petitioner is unable to appear before the Court on the 15th working day of a month, he shall appear on the next working day.

(v)the petitioner/A1 is directed to surrender before the Superintendent, Central Prison, Trichy, at 05.00 p.m., on 13.05.2024.

10.Post the matter on 05.06.2024 “for reporting compliance”.

5.Subsequently, the petitioner filed another petition seeking extension of time in Crl.M.P.(MD).No.4973 of 2024 to extend the interim bail order passed in 1152 of 2024

dated 12.02.2024.

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CRL MP(MD) No.4973 of 2024

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6. In this petition, it is stated that the petitioner is unable to contact the victim girl. The victim girl is residing in USA and hence, he seeks further time to settle the matter. The said petition was posted for final hearing before this Court.

7. In Crl.M.P.(MD).No.1152 of 2024, the petitioner never raised any plea about the settlement. Without making any pleadings relating to the settlement process, the learned counsel for the petitioner made a representation before this Court as if there is a possibility settlement. This Court believing the submission of the learned counsel for the petitioner, granted interim suspension.

8. On the date of the order itself, no material was produced to show that the petitioner had taken any bona fide steps to settle the issues. The petitioner had committed the offence against women, therefore, he was convicted by the learned trial Judge. Considering the gravity of the offence and the suffering of the victim, earlier three Hon'ble Judges of this Court in various occasions have dismissed his bail petitions. Believing the submission of the learned counsel for the petitioner that he would take sincere steps to settle the issues, the interim suspension of sentence has been granted. But, without any materials relating to the steps taken by the petitioner to settle the issues with the victim, he filed this petition stating that the defacto complainant is in abroad and unable to contacts and settle the issues.

9. This Court has specifically asked the question to the learned counsel for the

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CRL MP(MD) No.4973 of 2024

petitioner that if any documents has been filed to show that he had contacted the victim girl and any reply was made by the victim girl, the learned counsel for the petitioner submitted that there was no records to prove the same. In the said circumstances, this Court finds no bonafides in the plea of the petitioner to grant further extension of time.

10. The petitioner in Crl.M.P.(MD).No.1152 of 2024 has reiterated all the grounds raised in the earlier dismissal bail petition. He has not even stated that he is intending to take steps to settle the issues. Therefore, this Court feels that the order was obtained by making false representation before this Court as if he intended to settle the issues. Further, from the sequence of the events, this Court declines to accept the argument of the learned counsel for the petitioner that the petitioner was unable to contact the victim girl. Even he was not able to produce any phone details and other mode of communication to show that there is some progress in the settlement.

11. Considering the above all circumstances, this Court is not inclined to entertain this petition and hence, this petition stands dismissed.



CRL MP(MD) No.4973 of 2024

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12. The Jurisdictional Inspector of Police, is hereby directed to secure the petitioner and confine him in prison to serve his remaining period of imprisonment. If the petitioner has not surrendered on or before 13.05.2024, list this appeal for final disposal on 19.06.2024.

sd/-
29/04/2024

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21/05/2024
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SBN
TO

- 1 THE SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL MP(MD) No.4973 of 2024

+1. C.C. to K.RAJESHWARAN Advocate SR.No.23465(F) DT: 30/04/2024

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ORDER
IN
CRL MP(MD) No.4973 of 2024
IN
CRL A(MD)No. 525 of 2022
Date :29/04/2024

PKP/VR/SAR /21.05.2024/ 8P/ 6C

Madurai Bench of Madras High Court is issuing certified
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