



Crl.M.P.No.11340 of 2024
in Crl.A.No.1035 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2025

CORAM:

**THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN**

Crl.M.P.No.11340 of 2024
in Crl.A.No.1035 of 2024

V.Munusamy

... Petitioner/Sole accused

Vs.

State represented by
The Inspector of Police,
W-10, All Women Police Station,
Flower Bazaar Circle,
Chennai-600 001
(cr.No.4 of 2016)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, seeking to suspend the sentence in S.C.No.152 of 2018 dated 09.04.2021 passed by the learned Sessions Judge, Mahila Court, Chennai and enlarge the appellant on bail till the disposal of the appeal.



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For Petitioner : Mr.R.Radha Pandian

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneen

ORDER

(Order of the Court was made by *M.S.RAMESH. J.*)

This Criminal Miscellaneous Petition has been filed seeking to enlarge the petitioner on bail imposed in S.C.No.152 of 2018 dated 09.04.2021 passed by the learned Sessions Judge, Mahila Court, Chennai pending disposal of the above Criminal Appeal.

2. The petitioner is the sole accused in S.C.No.152 of 2018. The learned Sessions Judge, Mahila Court, Chennai vide judgment dated 09.04.2021 has convicted and sentenced him as follows:-

<i>Accused</i>	<i>Offence</i>	<i>Sentence</i>
Sole accused	Section 376 IPC	Life imprisonment and a fine of Rs.2,000/-, i/d. S.I for one month
	Section 506(ii) IPC @ 506(i) IPC	Imprisonment for one year

The sentences are ordered to run concurrently.



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3. While the judgment of the trial Court is under challenge in the main Appeal, the petitioner seeks for suspension of sentence in the present Miscellaneous Petition.

4. On a perusal of the evidence of P.W.1 and the victim girl, it is seen that the physical relationship between the accused with the victim appears to have been consensual. She has also deposed that since the hospital authorities had compelled her to lodge a police complaint, Ext.P1 came into existence. She has further stated in her oral testimony that she intended to withdraw the said complaint. This apart, the occurrence appears to have taken place about six months prior to the lodging of the complaint and therefore, the delay in registering the F.I.R may be fatal to the case of the prosecution. All these aspects could be deliberated at the final stage. However, since this petitioner is under incarceration from 09.04.2024 onwards, we are inclined to suspend the sentence of the petitioner/sole accused.



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5. Accordingly, this Criminal Miscellaneous Petition stands **allowed**, and the sentence imposed on the petitioner herein, is suspended till the disposal of the appeal and he is ordered to be enlarged on bail, on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties each, for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Chennai;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii) 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



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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.

(M.S.R, J.)

(V.L.N, J.)

17.07.2025

Anu

Note: Issue order copy on 18..07.2025

To

1.The Sessions Judge, Mahila Court, Chennai

2.The Inspector of Police,
W-10, All Women Police Station,
Flower Bazaar Circle,
Chennai-600 001

3.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.

4.The Public Prosecutor,
High Court, Madras.



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and
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