



*Crl.M.P.No.17223 of 2024
in Crl.A.No.1519 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.17223 of 2024

in

Crl.A.No.1519 of 2024

Ranjithkumar

... Petitioner / Accused

Vs.

State rep by
The Inspector of Police,
All Women Police Station,
Tindivanam, Villupuram District
Cr.No.9 of 2021

... Respondent / Complainant

Prayer: Criminal Miscellaneous Petition has been filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita read with 389(1) Cr.P.C., praying to suspend the sentence imposed by the learned District Mahila Court (Fast Track Mahila Court), Villupuram in S.C.No.268 of 2021 dated 11.11.2024 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.V.Parthiban

For Respondent : Dr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the District Mahila Court (Fast Track Mahila Court), Villupuram in S.C.No.268 of 2021 dated 11.11.2024 and enlarge the petitioner on bail pending disposal of the criminal appeal.

2. The case of the prosecution is that the petitioner and the victim knew each other and had a love affair since 2018 that on the promise of marriage, the petitioner had sexual intercourse with the victim on 14.07.2018 and 11.03.2021 and when the victim asked the petitioner to marry her, the petitioner told the victim that he was engaged with another women and hence, the victim lodged a complaint.

3. The petitioner/accused in S.C.No.268 of 2021 was convicted by the District Mahila Court (Fast Track Mahila Court), Villupuram for the offences under Section 417 IPC and sentenced to undergo 6 months simple imprisonment with fine of Rs.5,000/-, in default to undergo one month simple imprisonment and for the offence under Section 376 IPC and sentenced him to undergo 10 years rigorous imprisonment with fine of Rs.10,000/-, in default to



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undergo 6 months simple imprisonment. Aggrieved by the same, the petitioner/accused filed Crl.A.No.1519 of 2024 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel for the petitioner would submit that admittedly, it is a case of consensual relationship that the victim was aged 25 years at the time of occurrence and that the evidence of the doctor, P.W.10 would show that the victim was not subjected to sexual intercourse; and that the statement of the victim made before the doctor is that the petitioner had made an attempt to commit sexual assault and in any case, in the light of the consensual relationship and age of the parties, the offence under Sections 417 and 376 IPC has not made out and prayed for suspension of sentence.

5. Heard the learned counsel for the learned Government Advocate (Crl.Side) for the respondent and perused the records, including the counter affidavit filed by the respondent.

6. Admittedly, the petitioner and the victim were in a love affair since 2018. The alleged occurrences, according to the victim, took place on



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14.07.2018 and 11.03.2021 and the complaint was lodged on 28.04.2021.

Prima facie, this Court is of the view that the victim cannot be said to be gullible or naive as she was aware of the consequences of her act. Further, the doctor had opined that the victim was not subjected to sexual intercourse and in fact, the victim's statement before the doctor, which was recorded in the accident registrar, Ex.P5, would show that she had told the doctor that the petitioner had made an attempt.

7. In the light of the above infirmities, it has to be examined in the above appeal whether the conviction can be sustained. The appeal is not likely to be taken up in the near future. Therefore, this Court is inclined to grant suspension of sentence to the petitioner till the disposal of the above Appeal and the petitioner is ordered to be released on bail on the following conditions:

(i) The sentence of imprisonment alone, imposed on the petitioner/accused shall be suspended, on him executing a bond for a sum of Rs.10,000/- with two sureties, each for a likesum to the satisfaction of the District Mahila Court (Fast Track Mahila Court), Villupuram.



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(ii) The petitioner and 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 and mobile numbers to ensure their identity;

(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 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.

8. Accordingly, the Criminal Miscellaneous Petition is ordered.

30.01.2025
(2/2)

Anu

Issue order copy by 31.01.2025
Upload the order copy forthwith.



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SUNDER MOHAN, J.
Anu

To

1.The District Mahila Court (Fast Track Mahila Court), Villupuram

2.The Superintendent,
Central Prison, Cuddalore.

3.The Inspector of Police,
All Women Police Station,
Tindivanam, Villupuram District

4.The Public Prosecutor,
High Court, Madras.

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