

Crl.M.P.No.4868 of 2017
in
Crl.A.No.49 of 2017

V.PARTHIBAN, J.

The petitioner, who is the sole accused in Special S.C.No.302 of 2014 on the file of the Special Court for Cases under POCSO Act 2012/Mahila Court, Chennai, seeks suspension of sentence, against the sentence imposed, by judgment dated 28.11.2016, by granting him appeal bail under Section 417 and 376 of Cr.P.C pending disposal of the above appeal.

2. After trial, petitioner/appellant, was convicted and sentenced as under:-

Under Section 323 of IPC, sentenced to undergo ten year rigorous imprisonment and to pay a fine of Rs.10,000/-, in default to undergo three month imprisonment.

3. The learned counsel for the petitioner submitted that the petitioner/appellant has a fair chance of success in the appeal and there are triable issues in the main criminal appeal. He also submitted that the petitioner has paid the fine amount of Rs.10,000/- before the trial court and the period of remand is ordered to be set off in the period of sentence. In the circumstances, he may be granted bail.

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4. Heard the learned Government Advocate appearing for the State.

5. I have considered the rival submissions, perused the judgment of the trial court and the evidence pointed out by either side.

6. Considering the facts and circumstances of the case, I find that some arguable points are involved in this criminal appeal, which are required to be examined in detail. Accordingly, I am inclined to grant the following relief:-

(a) Appeal bail is granted to the petitioner/appellant.

(b) His sentence of imprisonment alone is suspended on condition that the petitioner executes 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 X Metropolitan Magistrate, Allikulam, Chennai.

(c) Petitioner/appellant shall report before the said Court on the first working day of every month at 10.30 am., until further orders.

21.06.2017

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