

Crl.M.P.No.8949 of 2019

in

Crl.A.No.409 of 2019

P.N. PRAKASH, J.

The petitioner/appellant was prosecuted in S.C.No.278 of 2017 for the offences under Section 366 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act' for brevity) and was convicted and sentenced to undergo rigorous imprisonment for a maximum term of 10 years, by judgment dated 11.07.2018. The petitioner filed an appeal in C.A.No.596 of 2018, challenging the conviction and sentence by contending that, no opportunity was given to the appellant for cross-examination. Therefore, this Court by order dated 19.12.2018, set aside the conviction and sentence dated 11.07.2018, passed by the trial Court and ordered re-trial. However, this Court directed that the petitioner should remain in custody during re-trial. As directed by this Court, witnesses were recalled and they were cross-examined by the petitioner. Thereafter, the trial Court, by impugned judgment dated 18.06.2019, has acquitted the petitioner of the offence under Section 6 of the POCSO Act and convicted him of the offence under Section 366 IPC and sentenced him to undergo three years simple imprisonment and to pay a fine of Rs.10,000/-.

2.Challenging the conviction and sentence, the petitioner has filed the above appeal and has prayed for suspension of sentence and grant of bail.

3.Mr.M.Soundar Vijay Arul Ram, learned counsel for the petitioner, submitted that the petitioner is in incarceration from 11.07.2018.

4.The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and grant of bail.

5.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner shall be released on bail on him executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Sessions Judge, Special Court for cases under POCSO Act, 2012 (Mahila Court), Chennai, and on further conditions that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge, Special Court for cases under POCSO Act, 2012 (Mahila Court), Chennai, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(ii) on release, the petitioner shall appear before the trial Court on the first working day of every month 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.

This petition is ordered accordingly.

18.07.2019

mkn

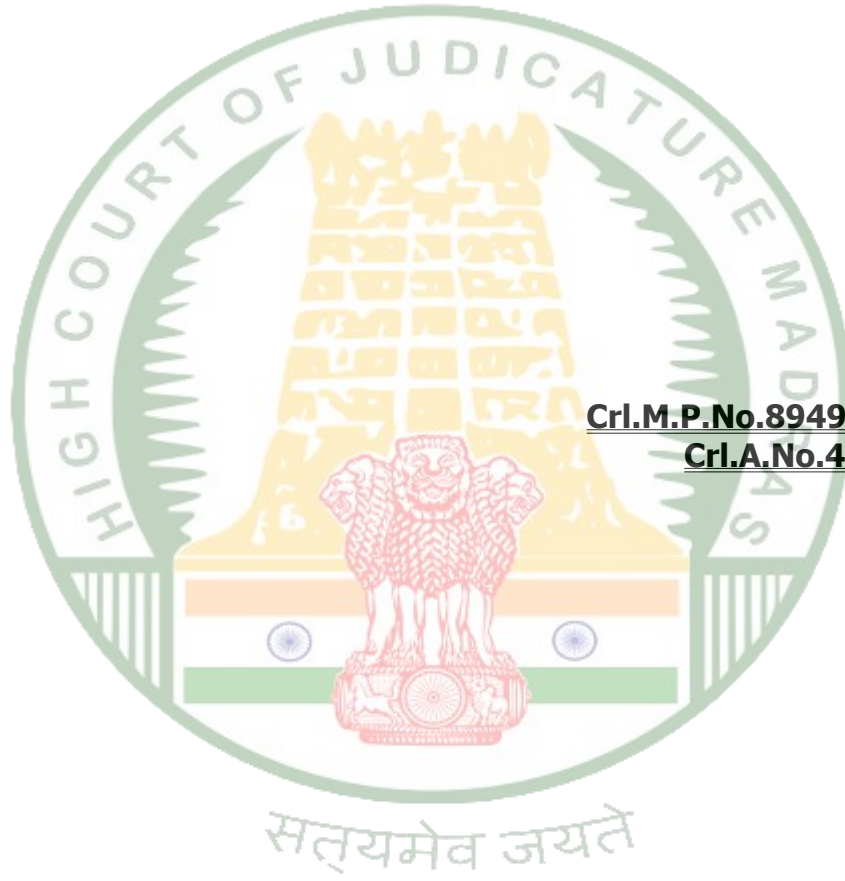
Copy to :

The Sessions Judge,
Special Court for cases under POCSO Act, 2012,
(Mahila Court), Chennai.



WEB COPY

P.N. PRAKASH, J.
mkn



Crl.M.P.No.8949 of 2019 in
Crl.A.No.409 of 2019

WEB COPY

18.07.2019