



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Twenty Fourth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.15270 of 2019

IN CRL.A.NO.736 OF 2019

NARENDRA

[APPELLANT / ACCUSED]

Vs

THE STATE,
REP. BY THE INSPECTOR OF POLICE,
W19, ALL WOMEN POLICE STATION,
ADYAR, CHENNAI.
(CR.NO. 5/2016)

[RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.736/2019 on the file of the High Court, the High Court will be pleased to grant interim suspension of the sentence imposed in S.C.NO.30/2018 dated 21/08/2019 passed by the Learned Mahila Court/Spl.Court for Cases Under POCSO Act/Children's Court, at Chennai and enlarge the petitioner on interim bail, pending disposal of the above Crl.A.No.736/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.736/2019 on the file of the High Court and upon hearing the arguments of M/S. A.SARAVANAN, Advocate for the petitioner and of MR.K.PRABAKAR, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

The petitioner faced trial in Sessions Case No.30 of 2018 on the file of learned Sessions Judge, Mahila Court, Chennai. Under judgment dated 21.08.2019, the trial Court found the petitioner guilty under Section 10 of the POCSO Act, 2012 and sentenced him to undergo simple imprisonment for a period of five years and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for a further period of six months. Aggrieved over the same, the petitioner has filed this Criminal Appeal along with the petition seeking suspension of sentence.

2. This Court vide order dated 17.02.2020, directed the petitioner to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of S.C.No.30/2018 before the trial Court within a period of one week and produce a receipt to that effect.



3. Today, when the matter is taken up for consideration, the learned counsel for the petitioner/accused submitted that the order of this Court dated 17.02.2020 has been complied by the petitioner and he has also produced a receipt to that effect. The learned counsel further submitted that there are several infirmities and inconsistencies in the prosecution case and there are also contradictions in material particulars in the evidence of the prosecution. He also submitted that there are arguable points available in this Criminal Appeal, which is not likely to be taken up for final hearing in the near future and hence, the substantive sentence imposed against the petitioner may be suspended.

4. Heard learned Additional Public Prosecutor on the submissions made by the learned counsel for petitioner.

5. Considering the facts and circumstances of the case and taking into account the submissions made by the learned counsel on either side, this Court is of the view that the petitioner herein can be granted the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner herein is directed to be enlarged on bail on the following conditions:-

- a) The Petitioner/Accused is ordered to be released on bail, on his 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 Mahila Court/Special Court for Cases Under POCSO Act/Children's Court, Chennai;
- b) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities; and
- c) The Petitioner/ Accused shall appear before the respondent/police 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, due to unavoidable circumstances, he shall make arrangements to file an application under Section 317 of Cr.PC. and shall appear before the Trial Court on any other day in lieu of his absence, as directed by the Trial Court. Such an application shall not be entertained often.



d) The Trial Court shall redeposit the amount of Rs.2,00,000/- (Rupees Two Lakhs Only) which was deposited by the petitioner/accused to the credit of S.C.No.30/2018 on 19.02.2020, in a Fixed Deposit Account, in any one of the Nationalized Banks, renewable thereafter periodically. The disbursal of this amount shall be decided at the culmination of the Appeal.

-sd/-
24/02/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE
MAHILA COURT (SPECIAL COURT FOR CASES
UNDER POCSO ACT/CHILDRENS COURT),
(MAHALIR NEETHIMANDRAM), CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W19, ALL WOMEN POLICE STATION,
ADYAR, CHENNAI.

+1 C.C. to M/S. A.SARAVANAN Advocate on payment of necessary charges SR.No.3667

Order
in
CRL MP.15270/2019

in
CRL.A.736/2019

Date :24/02/2020

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