



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.1881 of 2022

in Crl.A.No.147 of 2022

Rajini @ Rajinirajan,
S/o.Mannan Devadoss

...Petitioner /
Accused

versus

State represented by
The Inspector of Police,
All Women Police Station,
Thirukoilur, Villupuram District.
(Crime No.6 of 2019)

... Respondent /
Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 389 (1) of Cr.P.C., praying to suspend the conviction and sentence passed by the learned Sessions Judge, Special Court for the Exclusive Trial of Cases under POCSO Act, Villupuram in Special S.C.No.118 of 2019 dated 30.12.2021 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

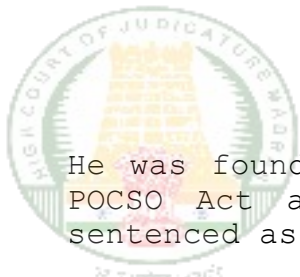
For Petitioner : Mr.S.Ambigapathi

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

O R D E R

This Criminal Miscellaneous Petition has been preferred by the petitioner/accused, seeking to suspend the sentence imposed upon him, by judgment and order dated 30.12.2021 passed in Special S.C.No.118 of 2019 on the file of the learned Sessions Judge, Special Court for the Exclusive Trial of Cases under POCSO Act, Villupuram and to enlarge him on bail, pending disposal of the appeal.

2. The petitioner, who is the accused in Special S.C.No.118 of 2019 on the file of the learned Sessions Judge, Special Court for the Exclusive Trial of Cases under POCSO Act, Villupuram.



He was found guilty for the offences punishable under Section 10 of POCSO Act and Section 506(i) of IPC and has been convicted and sentenced as under:

Offence	Sentence
10 of POCSO Act	Rigorous Imprisonment for 5 years along with fine of Rs.40,000/-, in default, to undergo Simple Imprisonment for 6 months
506(i) of IPC	Rigorous Imprisonment for 1 year along with fine of Rs.10,000/-, in default, to undergo Simple Imprisonment for 3 months
The aforesaid sentences were ordered to run concurrently.	

3. Challenging the above conviction and sentence, the petitioner/accused, has filed Crl.A.No.147 of 2022 along with the instant Miscellaneous Petition, seeking suspension of sentence and bail.

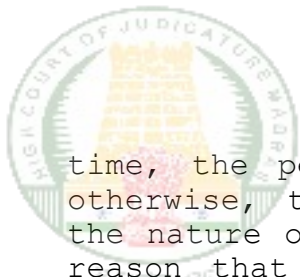
4. Heard Mr.S.Ambigapathi, learned counsel appearing for the petitioner/accused and Mr.Leonard Arul Joseph Selvam, learned Government Advocate (Crl. Side) appearing for the respondent/State.

5. The case of the prosecution is that, on 27.01.2019, when the victim child was playing with her friends, the accused called her and attempted to misbehave with her, due to alarm raised by the victim girl, the accused ran away from the scene of occurrence. Therefore, the respondent police registered a case against the petitioner/accused for the offence punishable under Section 10 of POCSO Act and Section 506(i) of IPC.

6. According to the learned counsel for the petitioner, there are arguable points available in this appeal and the petitioner has got a fair chance of succeeding in this appeal and hence, the substantive sentence imposed against the petitioner may be suspended before the trial Court.

7. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

8. Submissions made by the learned counsel appearing on either side are considered. The petitioner is in the judicial custody from 30.12.2021 onwards. On going through the evidence recorded before the trial Court, it appears that during the relevant point of



time, the petitioner has only attempted to commit the offence, in otherwise, the same has not been completed. Therefore, considering the nature of offence committed by the petitioner as well as for the reason that the appeal is not likely to be taken up in the near future, this Court is of the view that the petitioner/accused is entitled to the relief of suspension of sentence and bail.

9. Accordingly, sentence of imprisonment alone is suspended and bail is granted to the petitioner on the following conditions:

(a) 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, Special Court for the Exclusive Trial of Cases under POCSO Act, Villupuram;

(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 shall appear before the Trial Court on the first working day of every English Calendar 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.

10. With the above directions, this Criminal Miscellaneous Petition is ordered.

-sd/-

29/04/2022

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,
SPECIAL COURT FOR THE EXCLUSIVE TRIAL OF
CASES UNDER POCSO ACT, VILLUPURAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.



3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUKOILUR, VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. S.AMBIGAPATHI Advocate on payment of necessary
charges SR.NO. 6564

Order

in
CRL MP.1881/2022

in Crl.A.No.147 of 2022

Date :29/04/2022

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

RW 29/04/2022