



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM :

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.4847 of 2022

in Crl.A.No.397 of 2022

Vignesh

.. Petitioner

Vs

The State Rep. By
The Inspector of Police,
Aliyar Police Station,
Coimbatore.
(Crime No. 82 of 2019)

.. Respondent

Petition filed under Section 389 (1) of Cr.P.C against the order dated 28.02.2022 made in SPL S.C.No.104 of 2019 on the file of learned Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

For Petitioner : Mr.N.Anand

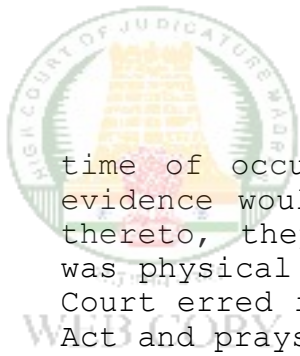
For Respondent : Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side)

ORDER

1. This Criminal Miscellaneous Petition has been filed to suspend the sentence, dated 28.02.2022 in Spl. S.C.No.104 of 2019 on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore and to release the petitioner / appellant on bail pending disposal of the above appeal.

2. Heard the learned Counsel for the petitioner and learned Government Advocate (Criminal Side) for the respondent.

3. Learned counsel for the petitioner has submitted that the victim was aged 17 years and the accused was aged 20 years at the



time of occurrence. He would submit that a careful reading of the evidence would make it clear that it was a love affair and pursuant thereto, they eloped and got married and after the marriage, there was physical relationship. He would submit that, therefore, the trial Court erred in convicting the petitioner under Section 4 of the POCSO Act and prays for suspension of sentence.

4. Per contra, learned Government Advocate (Criminal Side) would submit that even though the physical relationship may be consensual, the prosecution has established that the victim was less than 18 years of age and, therefore, the trial Court has rightly convicted the petitioner.

5. Considering the nature of allegations, age of the victim and the petitioner and the grounds raised in the criminal appeal, for the purpose of prima facie case, I am of the view that this is a fit case for suspending the sentence pending the appeal. Therefore, I am inclined to suspend the sentence and grant bail to the petitioner on the following conditions:-

(a) the petitioner is ordered to be released on bail, on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Court for Exclusive Trial of Cases Under POCSO Act, Coimbatore;

(b) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar Cards or Bank Pass books to ensure their identities;

(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 of 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.

6. Registry is directed to list the criminal appeal for hearing on 22.08.2022.

-sd/-

14/06/2022

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

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE INSPECTOR OF POLICE,
ALIYAR POLICE STATION,
COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS

+1 C.C. to M/S. C.PRABAKARAN Advocate on payment of necessary
charges SR.NO. 9056

Order

in
CRL MP.4847/2022
in
Crl.A.No.397 of 2022

Date :14/06/2022

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

RW-15/06/2022