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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.5882 of 2022

in

Crl.A.No.465 of 2022

Sriraman

...Petitioner/Accused

Vs.

The State:-

Inspector of Police,
All Women Police Station,
Ranipet
(crime No.7 of 2019)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C to suspend the sentence of imprisonment imposed by the learned Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore in Spl.S.C.No.90 of 2019 dated 31.03.2022 and enlarge the petitioner on bail pending disposal of Crl.A.No.465 of 2022

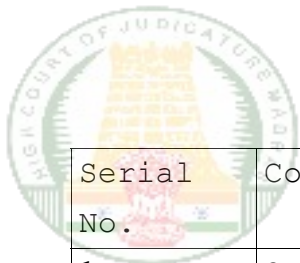
For Petitioner : Mr.S.Suresh

For Respondent : Mr.Leonard Arul Joseph Selvam,
Government Advocate (crl.side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/Accused, seeking to suspend the sentence of imprisonment imposed upon him in Spl.S.C.No.90 of 2019 dated 31.03.2022 by the learned Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore and enlarge the petitioner on bail pending disposal of the above criminal appeal.

2. The petitioner herein is the accused in Spl.S.C.No.90 of 2019 on the file of the learned Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore. He was found guilty of the offence under Section 11(i) of POCSO Act r/w Section 12 of POCSO Act, 2012 and Section 506(ii) of IPC and he has been convicted and sentenced as under:



Serial No.	Conviction	Sentence
1	Section 11(i) of POCSO Act r/w Section 12 of POCSO Act, 2012	to undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo three months simple imprisonment
2	Section 506(ii) of IPC	to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo three months simple imprisonment
The sentences ordered to run concurrently		

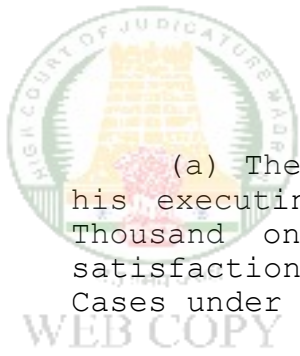
Aggrieved over the same, the present appeal has been filed along with the instant miscellaneous petition seeking suspension of sentence and bail.

3. According to the learned counsel for the petitioner/accused, there are arguable points available in the Criminal Appeal and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the Petitioner/accused may be suspended. It is the specific submission made by the learned counsel appearing for the petitioner that the trial court, after awarding the sentence, suspended the same till 30.04.2022.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing the 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.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. Considering the facts and circumstances of the case, also considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (crl.side) appearing for the respondent police, further this criminal appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are granted 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore

(b) The petitioner 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.

(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 criminal 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.

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

-sd/-

28/04/2022

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

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

TO

1 THE SPECIAL JUDGE
FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
VELLORE.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RANIPET.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

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+1C.C. to M/S. THIRUVENGADAM Advocate on payment of necessary
charges SR.No.6476

Order
in
CRL MP.5882/2022
in
CRL.A.465/2022
Date :28/04/2022

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CSK 29/04/2022