



Crl.M.P.No.7105 of 2022 in Crl.A.No.538 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.7105 of 2022 in
Crl.A.No.538 of 2022

Chinnasami

...

Petitioner

Versus

The Inspector of Police,
All Women Police Station,
Salem Town (Crime No.4/2019)

...

Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 (1) of the Code of Criminal Procedure to suspend the sentence of imprisonment imposed in judgment dated 18.05.2022 passed in New.Spl.SC.No.256 of 2019, (Old Spl.SC.No.57 of 2019) on the file of Special Court for the Protection of Children from Sexual Offences Act, 2012, Salem and enlarge the petition on bail pending disposal of the appeal.

For Petitioner : Ms.J.Prithivi
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

This petition is filed to suspend the sentence of imprisonment imposed in judgment dated 18.05.2022, passed in New.Spl.SC.No.256 of 2019, (Old Spl.SC.No.57 of 2019), on the file of Special Court for the



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Protection of Children from Sexual Offences Act, 2012, Salem and enlarge the petition on bail pending disposal of the appeal.

2.The learned counsel for the petitioner submitted that the allegations in this case is that the petitioner inappropriately touched the victim girl near the hand pump which is used by the public for drawing of drinking water. It is the case of the petitioner that the petitioner being an aged person, slipped off and accidentally fell on the victim girl. Taking into account the place of occurrence being a public place, it would not be possible for the accused to approach the girl with sexual intent. She would submit that the petitioner is in prison from 18.05.2022 and prayed for suspension of sentence.

3.Per contra, the learned Government Advocate (Crl.Side) would submit that the victim girl is only 12 years and the petitioner being an elderly person of age being 58 years have indulged in such a serious act.

4.I have considered the rival submissions made on either side. Considering the fact that the petitioner is in prison from 18.05.2022 and considering the nature of allegations in this case and considering the fact



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and it may take a while for this Court to dispose of the appeal, I am of the view that this is a fit case for grant of suspension of sentence pending the above 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 Trial Court;

(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 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 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



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5. This Criminal Miscellaneous Petition is ordered accordingly.

12.08.2022

Index : Yes/No

Internet: Yes/No

Speaking order/Non-speaking order
sli

To

1.The Inspector of Police,
All Women Police Station,
Salem Town (Crime No.4/2019)

2. The Special Court for the Protection of Children from Sexual Offences
Act, 2012, Salem.

3.The Superintendent, Central Prison, Coimbatore.

4.The Public Prosecutor, High Court of Madras.



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D.BHARATHA CHAKRAVARTHY. J.,

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