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Crl.M.P.No.8463 of 2022
in Crl.A.No.635 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.8463 of 2022 in Crl.A.No.635 of 2022

Sudhakaran

... Petitioner

Versus

State by:

The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District.

(Cr.No.184 of 2019)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(2) of the Code of Criminal Procedure to suspend the sentence imposed in Special S.C.No.136 of 2019 on 29.04.2022, on the file of the learned Sessions Judge for Special Court for POCSO Cases, Cuddalore and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

For Petitioner : Mr.D.Ashok Kumar

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



Crl.M.P.No.8463 of 2022
in Crl.A.No.635 of 2022

WEB COPY

ORDER

This Criminal Miscellaneous Petition is to suspend the sentence imposed in Special S.C.No.136 of 2019 on 29.04.2022, on the file of the learned Sessions Judge for Special Court for POCSO Cases, Cuddalore and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

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

3. The learned Counsel for the petitioner, taking this Court through the allegations made by the victim child, would submit that this is a case where the victim alleged that the petitioner/accused was continuously harassing the victim by promising to marry and to be in a relationship with him. The learned Counsel would submit that the petitioner is in prison from 29.04.2022 onwards.

4. Per contra, the learned Government Advocate (Crl. Side) would submit that this is a case where the accused had taken advantage of the facts that there was some misunderstanding within the family of the victim child and has tried to entice the victim. He would submit that the accused has got four other



Crl.M.P.No.8463 of 2022
in Crl.A.No.635 of 2022

previous cases apart from the present one. To verify these facts, when this Court had called for the particulars, it was seen that two of the other cases are subsequent to the present case. As far as the other two cases are concerned, the learned Counsel would submit that the name of the accused was not at all there in the First Information Report and he was subsequently implicated and inspite of opportunities granted by this Court for production of the materials in the said case, the same are not produced before the Court.

5. In that view of the matter, considering the nature of the allegations as far as the present case is concerned and considering the quantum of punishment and considering the fact that it may take a while for this Court to take up the appeal for final hearing, I am of the view that this is a fit case for grant of suspension of sentence pending disposal of the case. Accordingly, the petitioner is enlarged on bail 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 Judge may obtain a copy



Crl.M.P.No.8463 of 2022
in Crl.A.No.635 of 2022

of their Aadhar Cards or Bank Pass books to ensure their identities;

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(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 Court.

6. This Criminal Miscellaneous Petition is ordered accordingly.

08.08.2022

Index : yes/no

Internet : yes/no

Speaking order/Non-speaking order

grs

To

1. The Sessions Judge for Special Court for POCSO Cases,
Cuddalore.
2. The Public Prosecutor,
High Court of Madras.
3. The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District.



Crl.M.P.No.8463 of 2022
in Crl.A.No.635 of 2022

4. The Superintendent,
Central Prison,
Cuddalore.



WEB COPY



Crl.M.P.No.8463 of 2022
in Crl.A.No.635 of 2022

D.BHARATHA CHAKRAVARTHY. J.,

grs

Crl.M.P.No.8463 of 2022
in Crl.A.No.635 of 2022

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