



IN THE HIGH COURT OF JUDICATURE AT MADRAS  
( Criminal Jurisdiction )

Wednesday, the Nineteenth day of January Two Thousand Twenty Two

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PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA  
CRIMINAL MISCELLANEOUS PETITION No.11501 of 2021  
IN  
CRL.A.No.532 of 2021

ANGAMUTHU

[ APPELLANT / ACCUSED ]

Vs

STATE BY

[ RESPONDENT ]

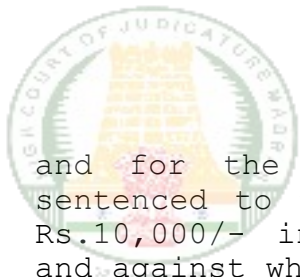
THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
METTUR, SALEM DISTRICT.  
CR.NO.8 OF 2018.

Petition praying that in the circumstances stated therein the High Court will be pleased to Suspend the sentence of imprisonment imposed in the Judgment dated 06.08.2021 passed in New SSC.No.212 of 2019 (Old SSC.No.12 of 2019) on the file of Sessions Judge, Special court for Exclusive trial of cases under POCSO Act, Salem and enlarge the petitioner on Bail pending disposal of the above Criminal Appeal No.532 of 2021.

Order: This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.R.NALLIYAPPAN, Advocate for the Petitioner and of MR. S.SUGENDRAN, Govt. Advocate ( Crl. Side) on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the appellant/accused, seeking suspension of sentence of imprisonment, imposed in the Judgment dated 06.08.2021 passed in New SSC No.212 of 2019 (Old SSC.No.12 of 2019) on the file of Sessions Judge, Special Court for Exclusive Trial of Cases under POSCO Act, Salem and enlarge the appellant on Bail pending disposal of the above Criminal Appeal before this Court.

2. By the judgment of the trial court, the accused was convicted and sentenced for the offence under Sections 363 and 366 of IPC to undergo three years Rigorous Imprisonment and pay fine of Rs.5,000/- in default to undergo three months simple imprisonment respectively



and for the offence under Section 4r/w 3(b) of POCSO Act 2012 sentenced to undergo 10 years Rigorous Imprisonment and pay fine of Rs.10,000/- in default to undergo three months Simple Imprisonment and against which, the present appeal has been filed.

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3. Learned counsel appearing for the appellant/accused would submit that the victim was examined as PW4 and during the cross examination. She has stated that on 20.08.2018 her mother had scolded her and she got angry with her mother and she went to her relatives house and that she returned back to her house on her own after two days. Meanwhile, her mother had given a complaint. She had further deposed that she does not know the appellant/accused and that she had given the statement before the Magistrate on the instruction of the police. She had further stated that nobody kidnapped her and she was not subjected to any sexual assault. Learned counsel would further submit that even in her evidence in chief, she had only stated that there was no penetrative intercourse. She would further submit that other than the above, the respondent has not proved the age of the victim by marking the birth certificate. According to the learned counsel for the appellant/accused, there are arguable points available in the Criminal Appeal Case, which is not likely to be taken for final hearing in the near future and the Appellant/accused has got a fair chance of succeeding in the Criminal Appeal Case and hence, the sentence imposed against the appellant/accused may be suspended and the appellant/accused may be enlarged on bail.

4. Mr.S.Sugendra, learned Government Advocate (crl.side) would submit that the victim was examined in chief on 10.09.2019 and the cross examination have been done on 16.07.2021. He would further submit that the victim was aged about 17 years and the appellant had induced and kidnapped her in the guise of marrying her and on 18.08.2018, he had compelled the victim and taken to Mecherry and he had committed penetrative sexual assault. Thereafter, on complaint given by the mother of the victim, the case was registered and the appellant/accused along with the victim surrendered before the All Women Police Station, Mettur, on 22.08.2018. He would further submit that though in the cross examination the victim has not supported the case of the prosecution, in her chief examination, she stated that the appellant had committed penetrative sexual assault by inserting fingers in her private parts. He would further submit that chief examination was done on 10.09.2019 and the victim was cross examined on 16.07.2021.

5. At this juncture, learned counsel for the appellant would submit that the appellant is not the reason for the delay and that the Courts were closed on account of the covid and thereby, there has been delay in cross examining the victim.

6. Heard the learned counsel for the appellant and perused the materials on record.



7. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the appellant/accused, this Court is of the view that the sentence of imprisonment 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 :-

- i. The appellant/accused shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Salem.
- ii. The appellant/accused shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

8. The Criminal Miscellaneous Petition is ordered accordingly.

-sd/-  
19/01/2022

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 EXCLUSIVE TRIAL OF CASES  
UNDER POSCO ACT, SALEM.

2 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
METTUR, SALEM DISTRICT.

3 THE SUPERINTENDENT,  
CENTRAL PRISON, SALEM.



4 THE PUBLIC PROSECUTOR,  
HIGH COURT, MADRAS.

+1 C.C. to M/S.R.NALLIYAPPAN Advocate on payment of necessary  
charges SR.NO.772

Order

in  
CRL MP.11501/2021  
in  
CRL.A.532/2021

Date :19/01/2022

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

INBA-19/01/2022