



WEB COPY



Crl.M.P.No.11937 of 2021 in Crl.A.No.572 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.11937 of 2021

in

Crl.A.No.572 of 2021

Ranjith @ Ranjithkumar (Male/A-27 years) ... Petitioner

Versus

State rep. by
Inspector of Police,
Mettupalayam Police Station,
Puducherry.
(Crime No.86/2016)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) r/w 439 of the Code of Criminal Procedure to suspend the sentence imposed by the Learned Sessions Judge, (Under the POCSO Act, 2012) at Puducherry in Spl.S.C.No.53 of 2019, dated 10.08.2021 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr. Swami Subramanian

For Respondent : Mr. V. Balamurugane,
Additional Public Prosecutor (Crl. Side)

ORDER

This Criminal Miscellaneous Petition is to suspend the sentence imposed in Spl.C.C.No.53 of 2019, dated 10.08.2021 on the file of the Learned Sessions Judge, (Under the POCSO Act, 2012) at Puducherry, and



Crl.M.P.No.11937 of 2021 in Crl.A.No.572 of 2021

WEB COPY

enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.

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

3.Learned Counsel for the petitioner would submit that the allegations, in this case, are the nature of a love affair. The age of the petitioner/accused at the time of occurrence was aged 27 years and the age of the victim was 15 years. He would further submit that now the petitioner/accused is in jail from 10.08.2021 and he prays for grant of suspension of sentence.

4.Per contra, the learned Additional Public Prosecutor (Crl. Side), Puducherry, would submit that this is the case where the accused had a penetrative sexual assault on the victim/child, he was supposed to be a tuition teacher of the victim/child. He would further submit that in any event, the prosecution has proved that the victim/child was less than eighteen years of age and therefore, the Trial Court has rightly convicted the



Crl.M.P.No.11937 of 2021 in Crl.A.No.572 of 2021

petitioner/accused.

WEB COPY

5.Considering the nature of the allegation being a love affair, and considering the age of the accused, at the time of offence, was twenty seven years, and the age of the victim was fifteen years respectively, considering the fact that the petitioner is in prison from 10.08.2021, I am of the view that this is a fit case for grant of suspension of sentence, pending disposal of the appeal and accordingly, the sentence is suspended on the following conditions:-

(a) the petitioner is ordered to be released on bail, on 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 (Under the POCSO Act, 2012) at Puducherry;

(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;



Crl.M.P.No.11937 of 2021 in Crl.A.No.572 of 2021

(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 Revision 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.

25.07.2022

Index : yes/no
Speaking order/Non-speaking order
klt

To

- 1.The Special Judge, (Under the POCSO Act, 2012), Puducherry.
- 2.The Inspector of Police,Mettupalayam Police Station, Puducherry.
- 3.The Public Prosecutor, Puducherry.
- 4.The Superintendent of Police, Central Prison, Puducherry.

D.BHARATHA CHAKRAVARTHY. J.,



WEB COPY



Crl.M.P.No.11937 of 2021 in Crl.A.No.572 of 2021

klt

Crl.M.P.No.11937 of 2021
in
Crl.A.No.572 of 2021

25.07.2022