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Crl.M.P.No.19415 of 2022 in Crl.A.No.382 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.19415 of 2022

in

Crl.A.No.382 of 2022

Parasuraman

... petitioner

/vs/

State, represented by
the Inspector of Police,
Avadi All Women Police Station,
Avadi, Chennai.
Crime No.08 of 2018

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to enlarge the petitioner on bail by suspending the sentence imposed upon the petitioner by the learned Magalir Neethi Mandram (Fast Track Mahila Court), Tiruvallur, in Special S.C.No.61 of 2018, by order dated 17.03.2022.

For petitioner ... Mr.C. Sridhar

For Respondent ... Mr.C.E.Pratap, GA (crl.side)

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to enlarge the petitioner on bail by suspending the sentence imposed upon the petitioner by the learned Magalir Neethi Mandram (Fast Track Mahila



Court), Tiruvallur, in Special S.C.No.61 of 2018, by order dated 17.03.2022.

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2. The petitioner, who is the sole accused in S.C.No.61 of 2018 was convicted and sentenced by the Magalir Neethi Mandram (Fast Track Mahila Court), Tiruvallur as follows:

<i>petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole Accused	Sec.9(m) of POCSO Act, 2012	To undergo 5 years RI and a fine of Rs.2000/-, in default of payment of fine, to undergo 4 months SI.
	Section 5(m) of POCSO Act 2012	To undergo 10 years RI along with fine of Rs.3000/-, in default in payment of fine, to undergo 6 months SI
	Setion 33(8) of POCSO Act 2012	The accused is ordered to pay compensation of Rs.45,000/- to the victim for the mental agony caused by the offence u/s.9(m) and 5(m) of POCSO Act 2012.

The sentence imposed for all the offences were ordered to run concurrently.

3. Aggrieved over the same, the petitioner has preferred the present criminal appeal along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. Heard the learned counsel appearing for the petitioner and the learned Govt. Advocate (crl.side) appearing for the State.



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5. The learned counsel for the petitioner submitted that there are arguable points in this appeal and the petitioner has a good and fair chance of success in this appeal. He would further submit that the fine amount of Rs.5000/- was already paid and the petitioner is now confined in prison from 17.03.2022. Thus, he prayed for suspension of sentence imposed on the petitioner till the disposal of this Criminal appeal.

6. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence alone is granted on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each, for a likesum to the satisfaction of the Magalir Neethi Mandram, (Fast Track Mahila Court), Tiruvallur.
- (ii) The petitioner and the sureties shall affix their photograph



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and Left Thumb Impression in the bond and the Trial Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

- (iii) The petitioner shall appear before the trial Court as and when required.

22.12.2022

msr

Note : Issue Today

To

1. The Magalir Neethi Mandram, (Fast Track Mahila Court), Tiruvallur.
2. The Superintendent, Central Prison, Puzhal.
3. The Inspector of Police,
Avadi All Women Police Station,
Avadi, Chennai.
4. The Public Prosecutor
High Court, Madras

Note : Issue Today



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V.SIVAGNANAM, J.

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