



CrI.M.P.No.1345 of 2023 in CrI.A.No.102 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

CrI.M.P.No.1345 of 2023

in

CrI.A.No.102 of 2023

Sarathi

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
All Women Police Station,
Tiruppur South
Tiruppur District.
(Crime No.9 of 2021)

... 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 in S.C.No.81 of 2021, dated 08.06.2022 on the file of the learned Sessions Judge, Mahila Court (Fast Track Court) Tiruppur, pending disposal of the Criminal Appeal.

For Petitioner

: Mr.C.S.Saravanan

For Respondent

: Mr.C.E.Pratap,
Govt. Advocate (CrI.Side)



CrI.M.P.No.1345 of 2023 in CrI.A.No.102 of 2023

ORDER

WEB COPY

The petitioner, who is the accused in Spl.S.C.No.81 of 2021 on the file of the learned Sessions Judge, Mahila Court (Fast Track Court) Tiruppur, seeks suspension of his sentence of imprisonment.

2. The Trial Court, vide judgment dated 08.06.2022, convicted the accused for the offence punishable under Sections 9(m) r/w.10 of POCSO Act and sentenced him as under:

Conviction under Section	Sentence
Section 9(m) r/w.10 of POCSO Act	Rigorous Imprisonment for 5 years with a fine of Rs.5,000/-, in default, to undergo Simple imprisonment for 6 months.

3. Challenging the conviction and sentence slapped by the Trial Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that there are arguable points in this Appeal. He further submitted that the petitioner is under custody. Hence, prayed for suspension of sentence.



Crl.M.P.No.1345 of 2023 in Crl.A.No.102 of 2023

WEB COPY

5. Heard the learned Government Advocate (Crl. Side) appearing for the respondent and perused the impugned judgment and the materials on record.

6. Taking into consideration of the above submission of the learned counsels appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner *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 learned Sessions Judge, Mahila Court (Fast Track Court) Tiruppur.*



Crl.M.P.No.1345 of 2023 in Crl.A.No.102 of 2023

V.SIVAGNANAM, J.,

rpl

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioner shall appear before the Trial Court, as and when required.

08.02.2023

2/2

rpl

To

1. The Sessions Judge, Mahila Court (Fast Track Court) Tiruppur

2. The Superintendent, Central Prison, Coimbatore.

3. The Inspector of Police,
All Women Police Station,
Tiruppur South,
Tiruppur District.

4. The Public Prosecutor,
High Court of Madras, Chennai.

Crl.M.P.No.1345 of 2023 in
Crl.A.No.102 of 2023