



Crl. M.P. No.10900 of 2023 in Crl.A.No.791 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

Crl.M.P.No.10900 of 2023
in Crl.A. No.791 of 2023

Shankar

...Petitioner

vs.

The State Rep. by its
The Inspector of Police,
All Women Police Station,
Virudhachalam, Cuddalore District.
(Crime No.15/2015)

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. praying to suspend the sentence imposed in Spl.S.C.No.1/2019 dated 30.05.2022 by the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Cuddalore and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.S.Saravanakumar

For Respondent : Mr.S.Sugendran,
Additional Public Prosecutor



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ORDER

This criminal miscellaneous petition is filed seeking suspension of sentence imposed by the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Cuddalore in Spl.S.C.No.1/2019 dated 30.05.2022 and to enlarge the petitioner on bail.

2. The petitioner is the accused in Spl.S.C.No.1/2019 before the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Cuddalore and he was convicted and sentenced on 30.05.2022 as under:

<i>S.No.</i>	<i>Offences under which convicted</i>	<i>Sentence</i>
1.	Sections 5(l), 5(j)(ii), 6 of POCSO Act, 2012	Rigorous Imprisonment for a period of ten years and to pay a fine of Rs.2,000/-, in default, to undergo simple imprisonment for three months.

3. Heard Mr.S.Saravanakumar, the learned counsel for the petitioner and Mr.S.Sugendran, learned Additional Public Prosecutor for the respondent.



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4. The learned counsel for the petitioner contended that the accused is in incarceration for the past one year and is confined in Central Prison, Cuddalore and there is every chance of succeeding in this appeal and therefore, prays for suspension of sentence ordered by the trial Court. In the instant case, age of the accused is 18 and the age of the victim is 15 years.

5. Considering the facts and circumstances of the case, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail with certain conditions.

6. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioner on the following conditions:

- i. The petitioner shall execute a bond for a sum of Rs.25,000/- each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Cuddalore.
- ii. The sureties shall affix their photographs and Left Thumb



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Impression on the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and

- iii. The petitioner shall appear before the respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the 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 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.

27.07.2023

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R.HEMALATHA, J.
mtl

To

- 1.The Sessions Judge, Special Court for
Exclusive Trial of cases under POCSO Act, Cuddalore.
- 2.The Central Prison, Cuddalore.
- 3.The Section Officer, Criminal Section, Madras High Court, Chennai.

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