



Crl.M.P.No.4039 of 2023
in Crl.A.No.549 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2023

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

Crl.M.P.No.4039 of 2023
in Criminal Appeal No.549 of 2019

M.Ajith

.... Petitioner

Vs

State, rep.by
Deputy Superintendent of Police
Neyveli Sub Division, Neyveli
Cuddalore District.

.... Respondents

Prayer : Petition under Section 389(1) of Cr.P.C., to suspend the sentence imposed in Special Sessions Case No.51/2018 dated 21.12.2018 by the learned Sessions Judge, Mahila Court, Cuddalore and enlarge the petitioner on bail pending Criminal Appeal.

For Petitioner : Mr.K.Raja

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by **R.SURESH KUMAR, J.**)

This petition has been filed seeking for to suspend the sentence imposed in Special Sessions Case No.51 of 2008 dated 21.12.2018 by the learned Sessions Judge, Mahila Court, Cuddalore and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.



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2. Heard the learned counsel for the appellant and the learned Additional Public Prosecutor for the respondents.

3. We have heard both sides and have perused the evidence of P.W.2, P.W.3 and P.W.7 as well as Doctor Certificate. Having gone through the evidence, we prima facie feel that, whether the offence punishable under Section 6 of the POCSO Act have been made out and proved beyond reasonable doubt is a question to be decided, as the evidence of P.W.7 Doctor does not fully support the case of the prosecution to constitute the offence punishable under Section 6 of the POCSO Act.

4. In view of the above and taking into consideration of the fact that the petitioner / appellant has been in incarceration for the past 4½ years, we feel that the sentence can be suspended for the present. Accordingly, the substantive sentence imposed against the petitioner is suspended subject to the following conditions.

- (a) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Cuddalore;
- (b) 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 and mobile



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number to ensure their entity; and

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- (c) The petitioner shall appear before the learned Sessions Judge, Mahila Court, Cuddalore on the first working day of every month at 10.30 A.M., until the disposal of this Criminal 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.

3. This Criminal Miscellaneous Petition is disposed of accordingly. Post the Criminal Appeal for hearing on **03.08.2023**.

(R.S.K.,J.) (K.B.,J.,)
06.07.2023

KST

To

1. Sessions Judge, Mahila Court, Cuddalore.
2. Deputy Superintendent of Police
Neyveli Sub Division, Neyveli, Cuddalore District.
3. The Superintendent, Central Prison,
Cuddalore.
4. The Public Prosecutor, High Court, Madras.



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R.SURESH KUMAR, J.
AND
K.KUMARESH BABU, J.

KST

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