



WEB COPY

CrI.M.P.No.8251 of 2023 in CrI.A.No.1150 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.M.P.No.8251 of 2023

in

CrI.A.No.1150 of 2022

Rangan

... Petitioner

/vs/

State rep. by :

The Inspector of Police,
Deevattipatti Police Station,
Salem District.

[Cr.No.202 of 2019]

... Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(i) of Cr.P.C., to suspend the sentence imposed in Sessions Case No.2 of 2020 dated 24.08.2022 passed by the Sessions Judge, Principal POCSO Court, Salem and enlarge the petitioner on bail, pending disposal of the above appeal.

For Petitioner ... Mr.R.Selvakumar

For Respondent ... Mr.R.Vinothraja
Government Advocate [Criminal Side]

**ORDER**

WEB COPY This Criminal Miscellaneous Petition has been preferred to suspend the sentence, dated 24.08.2022 imposed on the petitioner in Sessions Case No.2 of 2020 on the file of the Sessions Judge, Principal POCSO Court, Salem and enlarge the petitioner on bail, pending disposal of the above appeal.

2. The petitioner, who is the sole accused in Sessions Case No.2 of 2020 is convicted and sentenced by the trial court, by its judgment dated 24.08.2022 as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole	U/s.9 [m] r/w.10 of POCSO Act	To undergo RI for 7 years and pay a fine of Rs.2,000/-, in default in payment of fine, to undergo further 1 year RI
	U/s.450 of IPC	To undergo 5 years RI and pay a fine of Rs.1,000/- in default in payment of fine further 1 year RI
	U/s.342 of IPC	To undergo 1 year RI
	U/s.352 of IPC	To undergo 6 months RI

Total fine amount Rs.3,000/-. The sentences imposed on the accused are to run concurrently and the detention period already undergone by the accused, from 01.04.2019 to 22.05.2019 is Ordered to be set off. The fine amount has



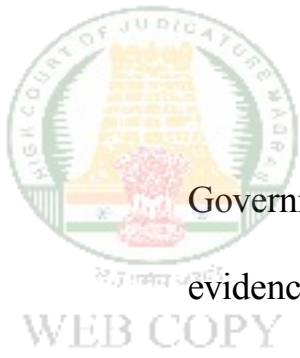
been paid by the accused.

WEB COPY

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner in Sessions Case No.2 of 2020, the petitioner has filed the present criminal appeal, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. The learned counsel for the petitioner would submit that the judgment of the trial Court is erroneous illegal, arbitrary and without appreciating the facts and evidence in its proper perspective in the light of the settled preposition of law. The trial Court failed to appreciate the oral and documentary evidence of the prosecution, which consists of so may inconsistencies, contradictions and discrepancies, which are fatal to the case of the prosecution. The learned counsel further submitted that the petitioner is in custody for more than ten months and that there are arguable points in this appeal and the petitioner has every chance to succeed in this Criminal appeal. Therefore, he prayed for suspension of sentence till the disposal of this Criminal appeal.

5. Heard the learned counsel for the petitioner and learned



Government Advocate [Criminal Side] and perused the complaint, FIR and evidence of the witnesses and other material evidence available on record.

6. On a complaint given by the mother of the victim, a case has been registered against the petitioner/accused by the respondent police in Crime No.202 of 2019 for the offences under sections 451, 342, 452 and 506[ii] of IPC and Section 3[b] read with 4 of Protection of Children from Sexual Offences Act, 2012. Considering the facts and circumstances of the case and that the petitioner is in custody 10 months, 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 and bail is granted to the petitioner on the following conditions:

(i) The petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the Trial Court;

(ii) The petitioner and the sureties shall affix their



WEB COPY



photographs and Left Thumb Impression in the surety bonds and the trial Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;

(iii) The petitioner shall appear before the trial Court on the first working day of every month until further Orders.

19.06.2023

vrc

To

1. The Sessions Judge, Principal POCSO Court, Salem.
2. The Inspector of Police, Deevattipatti Police Station, Salem.
3. The Public Prosecutor, High Court, Madras.
4. The Superintendent, Central Prison, Coimbatore.



WEB COPY



Crl.M.P.No.8251 of 2023 in Crl.A.No.1150 of 2022

V.SIVAGNANAM, J.

VRC

Crl.M.P.No.8251 of 2023
in
Crl.A.No.1150 of 2022

19.06.2023