



Crl.M.P.No.12991 of 2022 in Crl.A.No.932 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

CORAM

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

Crl.M.P.No.12991 of 2022

in

Crl.A.No.932 of 2022

Saravanakumar

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
All Women Police Station,
Dharapuram
Tiruppur District.
(Crime No.2 of 2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) r/w 439 of Cr.P.C. to enlarge the petitioner on bail by suspending the sentence imposed in S.C.No.32 of 2020 dated 26.04.2022 on the file of Magalir Neethimandram, Tiruppur, pending disposal of the Criminal Appeal.

For Petitioner

: Mr.C.S.Saravanan

For Respondent

: Mr.C.E.Pratap,
Gov. Advocate (Crl.Side)



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ORDER

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The petitioner, who is accused in S.C.No. 32 of 2020 on the file of the learned Magalir Neethimandam, Tiruppur, seeks suspension of his sentence of imprisonment.

2. The Trial Court, vide its judgment dated 26.04.2022, acquitted the petitioner from the offence punishable under Section 5(i), 5(r) r/w.6 of POCSO Act and Section 363 I.P.C., however, convicted the petitioner for the offences punishable under Section 5(1) r/w.6 of POCSO Act, 2012, Sections 376(3) & 506(i) I.P.C., and sentenced him as under:

Conviction under Section	Sentence
5(1) r/w.6 of POCSO Act, 2012	Rigorous Imprisonment for 10 years and to pay a fine of Rs.10,000/-, in default, to undergo Rigorous Imprisonment for one year.
506(i) I.P.C.	Rigorous Imprisonment for 10 years and to pay a fine of Rs.10,000/-, in default, to undergo Rigorous Imprisonment for one year.
376(3) I.P.C.	Rigorous Imprisonment for 2 years and to



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Conviction under Section	Sentence
	pay a fine of Rs.5,000/-, in default, to undergo Rigorous Imprisonment for 3 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 going to marry the victim girl and now he is under custody and hence, prayed for suspension of sentence.

5. When the matter is taken up for hearing, the victim girl [Roja] appeared along with her mother and informed that she is going to marry the accused Saravanan.

6. Heard the learned Government Advocate (Crl. side) appearing for



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the respondent and perused the impugned judgment and the materials on record.

7. Taking into consideration of the above submission of the learned counsels appearing on both sides and the victim girl, 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.

8. 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, Magalir Neethimandam, Tiruppur.***

(ii) The petitioner and the sureties shall affix their photographs and



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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.

25.01.2023

Note: Issue order copy on 27.01.2023

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To

1. The Sessions Judge, Magalir Neethimandam, Tiruppur
2. The Superintendent, Central Prison, Coimbatore.
3. The Inspector of Police,
All Women Police Station,
Dharapuram
Tiruppur District.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

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