



Crl. M.P. No.12893 of 2023
in Crl.A.No.905 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

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

Crl.M.P.No.12893 of 2023
in Crl.A. No.905 of 2023

E.Azarudeen

...Petitioner

vs.

The State Represented by,
The Inspector of Police,
Podanur Police Station,
Coimbatore District.
(Crime No.1170/2020)

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. praying to suspend the sentence imposed in Spl.C.C.No.13/2021 dated 17.03.2023 by the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.S.Bharanidharan

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, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore in Spl.C.C.No.13/2021 dated 17.03.2023 and to enlarge the petitioner on bail.

2. The petitioner is the accused in Spl.C.C.No.13/2021 before the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore and he was convicted and sentenced on 17.03.2023 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	Rigorous Imprisonment for a period of twenty years and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for a period of one year.
2.	Section 450 IPC	Rigorous Imprisonment for a period of five years and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for six months.



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

4. The learned counsel for the petitioner contended that the victim was aged 17 years 01 month on the date of occurrence and that the accused was aged 22 years. According to him, both of them were in love with each other and subsequent to the filing of the present case both of them got married and they are also blessed with two children. Therefore, he prayed for suspension of sentence ordered by the trial Court.

5.Mr.S.Sugendran, learned Additional Public Prosecutor did not raise any serious objection to grant the relief of suspension of sentence.

6. 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 the following conditions.



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

30.08.2023

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R.HEMALATHA, J.
mtl

To

1.The State Represented by,
The Inspector of Police,
Podanur Police Station,
Coimbatore District.

2.The Sessions Court, Principal Special Court for Exclusive Trial of
Cases under POCSO Act, Coimbatore.

3.The Central Prison, Coimbatore.

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