



WEB COPY



Crl.M.P.No.12018 of 2
in Crl.A.No.853 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM

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

Crl.M.P.No.12018 of 2023 in
Crl.A.No.853 of 2023

Srinivasan

...Petitioner

Vs.

The State rep. by
the Inspector of Police,
Ramanathapuram Police Station,
Coimbatore City.
(Crime No.455/2019)

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. praying to suspend the sentence imposed on the petitioner by the learned Sessions Judge, Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore (Mahila Court, Coimbatore in Spl.C.C.No.116 of 2019) in Spl.C.C.No.105 of 2019, dated 27.03.2023 and enlarge the petitioner on bail.

For Petitioner : Mr.Deepanuday

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

ORDER



Crl.M.P.No.12018 of 2
in Crl.A.No.853 of 2023

Challenging the orders of conviction and sentence passed by the learned Sessions Judge, Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore in Spl.C.C.No.105 of 2019 on 27.03.2023, the present petition is filed by the petitioner to enlarge him on bail.

2. The petitioner is A3 and he was convicted and sentenced by the learned Sessions Judge, Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore on 27.03.2023 as under:

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1	Section 366 r/w. 109 of I.P.C.,	Rigorous imprisonment for 5 years and to pay a fine of Rs.5,000/-, in default, to undergo Simple imprisonment for six months.
2	Section 16 r/w. 17 of POCSO Act, 2012	Rigorous imprisonment for 10 years and to pay a fine of Rs.5,000/-, in default, to undergo Simple imprisonment for six months.

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

4. The learned counsel for the petitioner contended that the present petitioner is a friend of A1 who is the prime accused in the present case and he has purchased the SIM card in his name and handed over it to the victim.

5. The learned Additional Public Prosecutor appearing for the respondent did not raise any serious objection in allowing the petition.



WEB COPY

6. Considering the submissions made by the learned counsel appearing on either side, this criminal miscellaneous petition is allowed and the sentence imposed on the petitioner is suspended and bail is granted to the petitioner, however, subject to the following conditions:

- i. 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 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 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 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



WEB COPY



Crl.M.P.No.12018 of 2
in Crl.A.No.853 of 2023

date of his absence, as directed by the trial Court.

09.08.2023

(2/2)

vum

To

- 1.The Sessions Judge,
Principal Special Court for Exclusive
Trial of cases under POCSO Act,
Coimbatore.
- 2.The Inspector of Police,
Ramanathapuram Police Station,
Coimbatore City.
3. The Superintendent of Police,
Central Prison, Coimbatore.

R.HEMALATHA, J.

vum



WEB COPY



Crl.M.P.No.12018 of 2
in Crl.A.No.853 of 2023

Crl.M.P.No.12018 of 2023 in
Crl.A.No.853 of 2023

09.08.2023