



WEB COPY



Crl.M.P.No.11748 of 2
in Crl.A.No.834 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.11748 of 2023 in
Crl.A.No.834 of 2023

Ajith Kumar

...Petitioner

Vs.

The State rep. by
the Inspector of Police,
Kadaladi Police Station,
Tiruvannamalai District.
(Crime No.203/2019)

...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, Special Court for Exclusive Trial of POCSO Act Cases, Tiruvannamalai in Spl.S.C.No.189 of 2019, dated 19.06.2023.

For Petitioner : Mr.E.Sathiyaraj

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

ORDER

Challenging the orders of conviction and sentence passed by the learned Sessions Judge, Special Court for Exclusive Trial of POCSO Act Cases, Tiruvannamalai in Spl.S.C.No.189 of 2019 on 19.06.2023, the present petition is filed by the petitioner / accused to enlarge him on bail.



Crl.M.P.No.11748 of 2
in Crl.A.No.834 of 2023

2. The petitioner/accused was convicted and sentenced by the learned Sessions Judge, Special Court for Exclusive Trial of POCSO Act Cases, Tiruvannamalai on 19.06.2023 as detailed hereunder:

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1	Section 6 r/w 5 (1) of POCSO Act, 2012	Rigorous imprisonment for 10 years and to pay a fine of Rs.1,000/-, in default, to undergo Simple imprisonment for One year.
2	Section 4 of POCSO Act, 2012	Since the punishment has been imposed under Section 6 r/w. 5(1) of POCSO Act,2012, no punishment was imposed under Section 4 of POCSO Act

3. Heard Mr.E.Sathiyaraj, 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/accused and the victim girl married each other on 24.08.2022 as per Hindu rites and customs and their marriage was also registered by the Sub Registrar, Kadaladi, Tiruvannamalai District on 05.09.2022. His further contention is that the petitioner and the victim are now residing in Chennai and the victim is pregnant for eight months and hence, he prayed for suspension of sentence.



5. The learned Additional Public Prosecutor contended that both the petitioner and the victim got married and their marriage was also registered with the Sub Registrar, Kadaladi and they are living together in Chennai.

6. Considering the facts and circumstances of the case and 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, Special Court for Exclusive Trial of POCSO Act Cases, Tiruvannamalai;
- 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



Crl.M.P.No.11748 of 2
in Crl.A.No.834 of 2023

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

09.08.2023

(2/2)

vum
To

- 1.The Sessions Judge, Special Court
for Exclusive Trial of POCSO Act
Cases, Tiruvannamalai
- 2.The Inspector of Police,
Kadaladi Police Station,
Tiruvannamalai District.
3. The Superintendent of Police,
Central Prison, Vellore

R.HEMALATHA, J.

vum



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