



Crl.M.P.No.11921 of 2
in Crl.A.No.848 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.11921 of 2023 in
Crl.A.No.848 of 2023

T.Ganeshkumar

...Petitioner

Vs.

The State rep. by
the Inspector of Police,
C2 Race Course Police Station,
Coimbatore City.
(Crime No.25/2019)

...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, Mahila Court / Additional Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore in S.C.No.47 of 2021, dated 04.07.2023 and enlarge the petitioner on bail.

For Petitioner : Mr.S.Ramajayam

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

ORDER



Crl.M.P.No.11921 of 2
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Challenging the orders of conviction and sentence passed by the learned Sessions Judge, Mahila Court / Additional Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore in S.C.No.47 of 2021 on 04.07.2023, the present petition is filed by the petitioner/accused to enlarge him on bail.

2. The petitioner is was convicted and sentenced by the learned Sessions Judge, Mahila Court / Additional Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore on 04.07.2023 as under:

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1	Section 498 (A) of I.P.C.,	Rigorous imprisonment for one years and to pay a fine of Rs.500/-, in default, to undergo Simple imprisonment for three months.
2	Section 306 of I.P.C.,	Rigorous imprisonment for 5 years and to pay a fine of Rs.500/-, in default, to undergo Simple imprisonment for six months.

3. Heard Mr.S.Ramajayam, 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 there are arguable points in the Criminal Appeal and hence, he prayed for suspension



Crl.M.P.No.11921 of 2
in Crl.A.No.848 of 2023

of sentence.

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

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 learned Sessions Judge, Mahila Court / Additional 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



Crl.M.P.No.11921 of 2
in Crl.A.No.848 of 2023

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

09.08.2023

(2/2)

vum

To

- 1.The Sessions Judge,
Mahila Court / Additional Special Court for
Exclusive Trial of cases under
POCSO Act, Coimbatore.
- 2.The Inspector of Police,
C2 Race Course Police Station,
Coimbatore City.
3. The Superintendent of Police,
Central Prison, Coimbatore.

R.HEMALATHA, J.

vum



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Crl.M.P.No.11921 of 2
in Crl.A.No.848 of 2023

Crl.M.P.No.11921 of 2023 in
Crl.A.No.848 of 2023

09.08.2023