



Crl. M.P. No.12647 of 2023
in Crl.A.No.889 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM

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

Crl.M.P.No.12647 of 2023

in

Crl.A. No.889 of 2023

Veeran

... Petitioner

vs.

State Rep. by its
The Inspector of Police,
All Women Police Station,
Ulundurpet, Kallakurichi District.
(Crime No.13/2019)

...Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 389 (1) of Criminal Procedure Code 1973 to suspend the sentence imposed on the petitioner by the order dated 25.07.2023 in Spl.S.C.No.236/2019 on the file of learned Sessions Judge, Special Court for Exclusive Trial Cases under POCSO Act, Villupuram and to enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.S.Saravana Kumar

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, Special Court for Exclusive Trial Cases under POCSO Act, Villupuram in Spl.S.C.No.236/2019 dated 25.07.2023 and to enlarge the petitioner on bail.

2. The petitioner is the accused in Spl.S.C.No.236/2019 on the file of the Special Court for Exclusive Trial Cases under POCSO Act, Villupuram and he was convicted and sentenced on 25.07.2023 as under:

<i>S.No.</i>	<i>Offences</i>	<i>Sentence</i>
1.	Section 448 IPC	Rigorous imprisonment for six months and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for one week.
2.	Section 8 of POCSO Act	Rigorous imprisonment for three years and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for three months.

The aforesaid sentences were ordered to run concurrently.



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3. Learned counsel for the petitioner contended that the petitioner was in bail during trial and that after coming out on bail, no allegation was made against him that he tried to tamper with the witness. He therefore prayed for suspension of sentence imposed on the petitioner.

4. 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 certain conditions.

5. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioner on the following conditions:

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



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copy of their Aadhar card or Bank pass Book to ensure their identity; and

- iii. The petitioner shall appear before the respondent/police 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 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.

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mtl



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To

1.The Sessions Judge, Special Court for Exclusive Trial Cases under
POCSO Act, Villupuram.

2.The Inspector of Police, All Women Police Station, Ulundurpet,
Kallakurichi District.



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R.HEMALATHA, J.
mtl

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