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Crl.M.P.No.19209 of 2022 in Crl.A.No.1276 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 10.01.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE V.SIVAGNANAM**

**Crl.M.P.No.19209 of 2022**

**in**

**Crl.A.No.1276 of 2022**

Rochmilan

... Petitioner

/vs/

The State by  
Inspector of Police,  
All Woman Polic Station,  
Tiruppur North,  
Tiruppur City.

.. Respondent

**Prayer** : Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the sentence imposed on the petitioner in Spl.S.C.No.4 of 2022 on the file of the Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Tiruppur, dated 18.07.2022 and release the petitioner on bail pending disposal of the above appeal.

|                |     |                              |
|----------------|-----|------------------------------|
| For Petitioner | ... | Mr. S.Valarmathi             |
| For Respondent | ... | Mr.C.E.Pratap, GA (crl.side) |

**ORDER**

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner in Spl.S.C.No.4 of 2022 on the file of the Sessions Judge, Mahalir Neethimandram (Fast Track Mahila



Court), Tiruppur, dated 18.07.2022 and release the petitioner on bail, pending disposal of the above appeal.

2. The petitioner, who is the sole accused in Spl.S.C.No.4 of 2022 is convicted and sentenced by the trial court, by its judgment dated 18.07.2022 as follows;

| <b><i>Petitioner's Rank</i></b> | <b><i>Provision under which convicted</i></b> | <b><i>Sentence</i></b>                                                                                 |
|---------------------------------|-----------------------------------------------|--------------------------------------------------------------------------------------------------------|
| Sole accused                    | U/s.5(m), r/w.6 of POCSO Act, 2012            | To undergo 20 years RI and a fine of Rs.1,000/-, in default in payment of fine, to undergo 6 months SI |

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner in Spl.S.C.No.4 of 2022, the petitioner has filed the present criminal appeal, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. The learned counsel for the petitioner submitted that the judgment of the trial court is contrary to law, weight of evidence and probabilities of the case and there is a contradiction between the evidence of PW1-victim girl and PW3- mother of the victim girl. He would further submit that there are



arguable points in this appeal and the petitioner has every chance to succeed in this Criminal appeal. Thus, he prayed for suspension of sentence till the disposal of this Criminal appeal Petition.

5. Perused the the evidence of victim girl and the eye witness PW2. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

6. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

(i) The petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the Trial Court;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the trial Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;



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(iii) The petitioner shall appear before the trial Court as and when required.

10.01.2023

msr

To

- 1.The Sessions Judge, Mahalir Neethimandram  
(Fast Track Mahila Court), Tiruppur,
2. Inspector of Police, All Woman Polic Station,  
Tiruppur North, Tiruppur City.
3. The Public Prosecutor, High Court, Madras.
4. The Superintendent, Central Prison,  
Coimbatore.



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**V.SIVAGNANAM, J.**

msr

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