



Crl.MP.No.18143 of 2023
in Crl.A.No.762 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.MP.No.18143 of 2023
in Crl.A.No.762 of 2023

Eliyas

... Petitioner/A1

Vs.

State Rep. by

The Inspector of Police,
All Women Police Station,
Vandhavasi,
Thiruvannamalai District.

... Respondent/Complainant

Prayer :- Criminal Miscellaneous Petition filed under Section 389 (1) of Cr.P.C. to suspend the sentence imposed by the learned Sessions Judge, Special Court for POCSO Cases, Thiruvannamalai, dated 09.06.2023 in Spl.S.C.No.102 of 2020 and enlarge the petitioner on interim-bail pending disposal of the above appeal.

For Petitioner : Mrs.E.Ezhil Caroline
For Respondent : Mr.A.Gokulakrishnan

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Additional Public Prosecutor

ORDER

(Order of the Court was delivered by **SUNDER MOHAN, J.**)

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner/A1, by the learned Sessions Judge, Special Court for POCSO Cases, Thiruvannamalai, in Spl.S.C.No.102 of 2020, by the judgment dated 09.06.2023, and enlarge him on interim-bail pending disposal of the above Criminal Appeal.

2.The learned Sessions Judge, Special Court for POCSO Cases, Thiruvannamalai, in Spl.S.C.No.102 of 2020, convicted and sentenced the petitioner/A1 to undergo ten years rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo one year simple imprisonment for the offence under Section 366 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.5,00,000/- in default to undergo one year simple imprisonment for the offence under Section 376 (DA) IPC and Sections 5(g), 5(i) r/w 6 of POCSO Act, 2012.



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3.Challenging the above conviction and sentence, the petitioner/A1, has filed the above Criminal Appeal and he seeks suspension of sentence and interim-bail in the present miscellaneous petition.

4.Heard Mrs.E.Ezhil Caroline, learned Counsel appearing for the petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor, appearing for the respondent/State.

5. The petitioner had earlier filed a petition in Crl.M.P.No.16755 of 2023, for suspension of sentence. Since we were not inclined to suspend the sentence, we dismissed the said petition. However, the learned counsel for the petitioner sought permission to file another petition seeking interim bail on the ground that the petitioner has to attend his brother's marriage, which is scheduled to be held on 16.11.2023. Hence, we had granted permission and thus, the petitioner has filed this Criminal Miscellaneous

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Petition.

6. The learned counsel submitted that the petitioner's brother is getting married on 16.11.2023. He has filed the Invitation Card to substantiate the averment made in the petition. Considering the limited prayer made in the petition and satisfying ourselves about the genuiness of the reasons stated for interim-bail, we are inclined to grant interim-bail for a limited period for the purpose of allowing the petitioner to attend his brother's marriage, which is scheduled to be held on 16.11.2023.

7. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence of imprisonment imposed on the petitioner/A1 is suspended for the period from 14.11.2023 to 22.11.2023 on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge,



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Special Court for POCSO Cases, Thiruvannamalai;

- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;
- (iii) The petitioner shall appear before the respondent police daily at 10.30 a.m., during the said period of interim-bail
- (iv) The petitioner shall surrender before the trial Court by 10.30 am on 22.11.2023.

(S.S.S.R., J.) (S.M., J.)
10.11.2023

Internet : Yes

Index : Yes / No

Note to office:

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S.S. SUNDAR, J.
and
SUNDER MOHAN, J.

ars

To

- 1.The Sessions Judge, Special Court for POCSO Cases,
Thiruvannamalai.
- 2.The Inspector of Police,
All Women Police Station,
Vandhavasi,
Thiruvannamalai District.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court, Madras.

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