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Crl.M.P.No.5988 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.06.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.M.P.No.5988 of 2024

in Crl.A.No.391 of 2024

Rasappan @ Rasukutti

...Petitioner/2nd accused

Vs.

The State rep. By the
Inspector of Police,
Ramanathapuram Police Station,
Coimbatore City
(Crime No.455 of 2019)

...Respondent

Prayer: Miscellaneous Petition has been filed under Section 389(2) r/w 439 of Cr.P.C., to suspend the sentence and fine imposed on the petitioner in Spl.S.C.No.105 of 2019 passed by the Principal Special Court for Exclusive Trial of Cases under POCSO Act Coimbatore by an order dated 27.03.2023 and enlarge the petitioner on bail.

For Petitioner : Mr.S.Ilamuhil

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous petition has been filed to suspend the sentence of imprisonment imposed on the petitioner herein in



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Spl.S.C.No.105 of 2019 dated 27.03.2023 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act Coimbatore.

2. The trial Court has convicted the petitioner under Section 366 of IPC r/w Section 109 of IPC and sentenced to undergo 5 years of Rigorous imprisonment with a fine of Rs.10,000/- in default of payment of fine, to under simple imprisonment for a period of six months and also under Section 16 r/w Section 17 of POCSO Act, sentenced to undergo ten years of rigorous imprisonment with a fine of Rs.5,000/- in default to undergo simple imprisonment for a period of six months.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

4.The case of the prosecution is that the victim girl is aged about 16 years. In the year 2019, the victim girl was in love affair with the 1st accused/Jose and the 1st accused kidnapped the victim girl and committed



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child marriage on 09.06.2019. For the said offence, the 2nd accused/petitioner herein and the 3rd accused threatened the victim girl to go along with the 1st accused. Thereby, the 2nd accused/petitioner and 3rd accused are liable to be punished under Section Section 366 of IPC r/w Section 109 of IPC and as per Sec 16 r/w 17 of POCSO Act, 2012. Based on the said incident, the complaint was lodged by the father of the victim, the respondent police has registered a case.

5. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person. The victim girl and the petitioner loved each other and with the consent of the victim, the petitioner has married the victim. Further, the learned counsel for the petitioner submitted that there is no sexual intercourse between the petitioner and the victim. Hence, he prays for grant of bail to the petitioner.

6. Considering the fact that there is no sexual intercourse between the petitioner and the victim girl, this Court is inclined to grant bail to the



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petitioner. Accordingly, petitioner *is ordered to be released on bail* subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Principal Special Court for Exclusive Trial of Cases under POCSO Act Coimbatore.

(ii) the petitioner shall appear before the respondent police weekly once i.e. First working day of every week at 10.30 a.m. until further orders;

04.06.2024

msv

Note to office: Issue order copy on 05.06.2024

Index : Yes/No

Speaking Order : Yes/No

NCC : Yes/No



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To

1. The Principal Special Court for
Exclusive Trial of Cases
under POCSO Act Coimbatore.
2. The Superintendent, Central Prison,
Coimbatore.
3. Inspector of Police,
Ramanathapuram Police Station,
Coimbatore City
4. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

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