



Crl.MP.No.4458 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.06.2024

CORAM:

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

Crl.MP.No.4458 of 2024

in

Crl.A.No.300 of 2024

Venkatesan

...Petitioner

Vs.

State by:

Inspector of Police

W-22, All Women Police Station,

Mylapore, Chennai – 600 004.

...Respondent

Criminal Miscellaneous Petition filed under Section 389(1) & (2) of Cr.P.C. to suspend the execution of the sentence passed by the Special Court under POCSO Act at Chennai in S.C.No.178 of 2022 dated 29.01.2024 and release the petitioner on bail, pending disposal of the above appeal.

For Petitioner : M/s.R.Bernatsha

For Respondent : Mrs.G.V.Kasthuri,
Addl. Public Prosecutor

ORDER



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This Criminal Miscellaneous petition has been filed seeking to suspend the sentence of imprisonment imposed in S.C.No.178 of 2022 dated 29.01.2024 on the file of the Special Court under POCSO Act at Chennai and enlarge the petitioner on bail.

2. The petitioner/appellant was convicted for the offence under Section 6 of POCSO Act and was sentenced to undergo 5 years of imprisonment and was ordered to pay a fine of Rs.10,000/- and in default of payment of fine, to undergo simple imprisonment for another one month, vide order dated 29.01.2024 made in SC.No.178 of 2022. Aggrieved by the same, the above appeal has been filed along with this petition seeking suspension of sentence.

3. Learned counsel for the petitioner submitted that, there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable and petitioner is now confined in Central Prison, Puzhal for about six months.

4. Having regard to the fact that there are arguable points involved in



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the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that 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 Special Court under POCSO Act at Chennai and on further condition that the petitioner shall appear before the trial Court at 10.30 a.m. on the first working day of every English Calendar month, pending appeal.

6. This criminal miscellaneous petition is ordered accordingly.

12.06.2024

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M.DHANDAPANI, J.

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WEB COPY

- To
1. The Special Court under POCSO Act at Chennai.
 2. The Inspector of Police
W-22, All Women Police Station,
Mylapore, Chennai – 600 004.
 3. The Public Prosecutor, High Court of Madras.
 4. The Central Prison, Puzhal.

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