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Crl.M.P.No.6031 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.6031 of 2024

in Crl.A.No.397 of 2024

Abdul Salem

...Petitioner

Vs.

The State rep. By the
Inspector of Police,
All Women Police Station,
Gudalur
(Crime No.1 of 2023)

...Respondent

Prayer: Miscellaneous Petition has been filed under Section 389(2) of Cr.P.C., to suspend the sentence and fine imposed on the petitioner/petitioner/accused in Spl.C.C.No.3 of 2023 dated 31.01.2024 by the (FAC) Sessions Judge, Magalir Neethimandram (FTMC), Udthagamandalam, The Nilgiris.

For Petitioner : Mr.K.Balakrishnan

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.C.C.No.3 of 2023 dated 31.01.2024 on the file of the (FAC)

Sessions Judge, Magalir Neethimandram (FTMC), Udhagamandalam,
The Nilgiris.

2. The petitioner is in jail for nearly 6 months and the trial Court has convicted the petitioner and sentenced him to undergo rigorous imprisonment for five years with a fine of Rs.5000/- in default of payment of fine, to undergo Simple imprisonment for 6 months for committing the offence under Section 9(m) r/w. 10 of POCSO Act 2012.

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 boy is aged about 9 years. On 15.01.2023, the petitioner gave a sum of Rs.20 to the victim boy to buy ice cream and when the victim boy proceeding to buy ice cream, the petitioner accompanied victim boy to the shed and removed his pant and trouser. Thereafter, he had anal intercourse with the victim



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boy. Based on the said incident, the complaint was lodged by the mother of the victim boy, the respondent police has registered a case.

5. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person who is no way connected with the alleged offence, and a false complaint has been foisted against him. Hence, he prays for grant of bail to the petitioner.

6. Considering the considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the 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 (FAC) Sessions Judge, Magalir Neethimandram (FTMC), Udhagamandalam, The Nilgiris.

(ii) the petitioner shall appear before the respondent police weekly



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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

To

1. The (FAC) Sessions Judge, Magalir Neethimandram (FTMC),
Udhagamandalam, The Nilgiris.

2. The Superintendent, Central Prison,
Coimbatore.

3. Inspector of Police,
All Women Police Station,
Gudalur

4. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

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