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*Crl.M.P.No.7289 of 2024
in Crl.A.No.490 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.05.2024

CORAM:

THE HON'BLE MR.JUSTICE **K. KUMARESH BABU**

Crl.M.P.No.7289 of 2024
in
Crl.A.No.490 of 2024

Balamurugan

... Petitioner

Vs.

The State rep.
The Inspector of Police,
Polur Police Station,
Thiruvannamalai District.
(Crime No.421 of 2017)

... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 389(1) of Cr.P.C to suspend the sentence imposed by the learned Special Court for Exclusive Trial of cases under POCSO Act, Thiruvannamalai dated 27.02.2024 passed in Spl.S.C.No.148 of 2019 till the disposal of Criminal Appeal and enlarge the petitioner on bail.

For Petitioner : Mr.T.Nixon

For Respondent : Mr.L.Baskaran,



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Government Advocate (Crl. Side)

ORDER

The petitioner, who is the second accused in Spl.S.C.No.148 of 2019 and was convicted by the trial court for the offence under sections 363 & 366 of IPC and sentenced to undergo 5 years of rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, three months of simple imprisonment, has filed this suspension of sentence.

2. It is brought to the notice of this Court that this Court, by order dated 30.04.2024 in Crl.M.P.No.7154 of 2024 in Crl.A.No.486 of 2024, which was filed by the first accused, had suspended the sentence of the first accused and enlarged him on bail.

3. In such view of the matter, I am inclined to suspend the sentence of imprisonment imposed on the petitioner/second accused.

4. Accordingly, the substantial sentence of imprisonment imposed on



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the petitioner is suspended till the disposal of the appeal and the petitioner is ordered to be enlarged on bail, on condition that he 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 Special Court for Exclusive Trial of cases under POCSO Act, Thiruvannamalai.

5. Further, the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m. until the disposal of the appeal and if they are not able to appear before the Trial Court on that day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of his absence as directed by the Trial Court.

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

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1. The Special Court for Exclusive Trial of cases under POCSO Act,
Thiruvannamalai.

2. The Public Prosecutor,
High Court, Madras.



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K. KUMARESH BABU, J.

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