



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

CORAM:

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

Crl.M.P.No.10661 of 2024
in Crl.A.No.1212 of 2023

N.Anilkumar

.... Petitioner

Vs.

The Inspector of Police,
Podhanur Police Station,
Coimbatore District.
Cr. No.382 of 2019

...Respondent

Miscellaneous Petition has been filed under Section 389 of Cr.P.C., to suspend the sentence imposed in judgment and conviction passed in Spl. CC.No.106/2019 dated 19.06.2023 on the file of the learned Session Judge, Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore and release the petitioner on bail.

For Petitioner : Mr.S.Bharanidharan

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

ORDER

This Criminal Miscellaneous petition has been filed to suspend the sentence imposed in judgment and conviction passed in



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Spl. CC.No.106/2019 dated 19.06.2023 on the file of the learned Session Judge, Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore.

2. The petitioner is in jail for more than a year and the trial Court has convicted the petitioner under Section 9(n) read with Section 10 of POCSO Act, 2012 and sentenced him to undergo 7 years RI and ordered to pay a fine of Rs.10,000/-, in default, sentenced to undergo one year SI. Challenging the same, the petitioner has filed Criminal appeal and the present miscellaneous petition seeking suspension of sentence of imprisonment.

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 petitioner is the accused who is the father of the victim, misbehaved with her. Based on the complaint lodged by the mother, the respondent police has



registered a case.

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5. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent. The petitioner is the father of the victim and he has nothing to do with the alleged offences. The case has been foisted for family dispute. The petitioner is in jail for more than a year. Hence, he prays for grant of bail to the petitioner.

6. Heard the learned Additional Public Prosecutor and she vehemently opposed to grant bail.

7. Considering the period of incarceration of the petitioner, this Court is inclined to grant bail to him. Accordingly, the 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



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for a like sum to the satisfaction of the learned Sessions Judge,

*Principal Special Court for the exclusive trial of POCSO Act cases,
Coimbatore; and*

*(ii) the petitioner shall appear before the learned Sessions
Judge, Principal Special Court for the exclusive trial of POCSO Act
cases, Coimbatore weekly once i.e. First working day of every week
at 10.30 a.m. until further orders;*

8. Accordingly, this petition is ordered.

29.07.2024

rli

Note to office: Issue order copy on 29.07.2024

Index : Yes/No
Speaking Order : Yes/No
NCC : Yes/No

To

1. The Inspector of Police,
Podhanur Police Station,

4/6



Coimbatore District.

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2. The Session Judge, Principal Special Court
for Exclusive Trial of cases under POCSO Act,
Coimbatore.

3. The Superintendent,
Central Prison, Coimbatore.

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



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M.DHANDAPANI, J.

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