



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.07.2024

CORAM:

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

Crl.M.P.No.10319 of 2024
in Crl.A.No.711 of 2024

Raja

.... Petitioner

Vs.

The Inspector of Police,
All Women Police Station,
Pollachi,
Coimbatore District.
Cr. No.9 of 2020

...Respondent

Miscellaneous Petition has been filed under Section 389 of Cr.P.C., to suspend the sentence of imprisonment imposed by the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore District in Spl. SC.No.106 of 2020 by the judgment dated 05.03.2024 and enlarge the petitioner/appellant on bail.

For Petitioner	: Mr.R.L.Dhilipanpandian
For Respondent	: Mrs.G.V.Kasthuri
	Additional Public Prosecutor

ORDER

This Criminal Miscellaneous petition has been filed to suspend the sentence of imprisonment imposed by the learned



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Sessions Judge, Principal Special Court for Exclusive Trial of Cases

under POCSO Act, Coimbatore District in Spl. SC.No.106 of 2020

by the judgment dated 05.03.2024 and enlarge the petitioner/appellant on bail.

2. It is the case of the prosecution that the victim girl is aged about 11 years and she was studying 7th standard at that time of the incident. The accused is the neighbor of the victim. When the victim was playing with the accused's daughter in front his house, the accused misbehaved with her with the intention of sexually assaulting her. Based on the compliant lodged by the mother of the victim, the respondent police registered a case against the accused.

3. The trial Court has convicted the petitioner under Section 9(m) read with 10 of POCSO Act, 2012 and sentenced to undergo five years RI and ordered to pay a fine of Rs.5,000/-, in default, sentenced to undergo one year SI. The above said sentences shall run concurrently Challenging the same, the appellants have filed



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Criminal appeal and the present miscellaneous petition seeking suspension of sentence of imprisonment.

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

5. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent. The petitioner is in jail from 05.03.2024 and he is nothing to do with the alleged offences. Hence, he prays for grant of bail to the petitioner.

6. The learned Additional Public Prosecutor has vehemently opposed to grant bail to the petitioner.

7. Considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner. 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 for a like sum to the satisfaction of the learned Sessions Judge, Principal Special Court for exclusive trial of cases under POCSO Act, Coimbatore.

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

22.07.2024

rli

Note to office: Issue order copy on 22.07.2024

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

To
1. The Inspector of Police,
All Women Police Station,

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Pollachi,
Coimbatore District.

2. *The learned Sessions 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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