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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

**Crl.M.P. No.10188 of 2024
in Crl.A.No.918 of 2024**

R.Rajesh

... Petitioner

-Vs-

The State Rep.by
The Inspector of Police,
Puthur Police Station,
Cuddalore.
Crime No.91 of 2018

... Respondent

Prayer: Criminal Miscellaneous Petition is filed under Section 430(1) of B.N.S.S. Act, 2023, to suspend the sentence of imprisonment imposed in the judgment dated 09.07.2024, passed in Spl.S.C.No.61 of 2019 by the learned Sessions Judge, Special Court of Exclusive Trial Cases under POCSO Act, Cuddalore and enlarge the petitioner on bail.

For petitioner : Mr.S.Vijayaraghavan

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

ORDER

The Criminal Appeal has been filed as against the Judgment and sentence passed by the learned Sessions Judge, Special Court of



Exclusive Trial Cases under POCSO Act, Cuddalore, in Spl.S.C.No.61 of 2019, dated 09.07.2024, in and by which, the petitioner was convicted for the offence under Section 6 of POCSO Act, 2012 and was sentenced to undergo rigorous imprisonment for twenty years and to pay a fine of Rs.10,000/-, in default, to undergo further simple imprisonment for a period of five years. Challenging the same, the appellant has filed the Criminal appeal and the present miscellaneous petition seeking suspension of sentence of imprisonment.

2. The learned counsel appearing for the petitioner submits that the petitioner has married the victim girl and they were blessed with a child. Even then, the trial Court has convicted the petitioner and he is in prison.

3. The learned counsel for the petitioner has raised several arguable grounds insofar the appeal is concerned and it will take some more time for this Court to take up the criminal appeal and to dispose of the same.

4. Considering the fact that the petitioner has married the victim



girl and that they were blessed with a child, the punishment of imprisonment imposed as against the petitioner is hereby suspended and he is directed to be released on bail on the following conditions:

a) the petitioner shall execute a bond for a sum of Rs.10,000/- to the satisfaction of the learned Sessions Judge, Special Court of Exclusive Trial Cases under POCSO Act, Cuddalore, along with two sureties for a like sum;

b) the petitioner shall report before the Court below on the first working day of every month, pending disposal of the appeal.

5. Accordingly, the Criminal Miscellaneous Petition is ordered.

19.07.2024

ssb

Note: Issue order copy on 22.07.2024



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To

1. The Inspector of Police,
Puthur Police Station,
Cuddalore.
2. The learned Sessions Judge, Special Court of Exclusive Trial Cases
under POCSO Act, Cuddalore.
3. The Superintendent,
Central Prison, Cuddalore.
4. The Public Prosecutor, High Court of Madras.



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M.DHANDAPANI, J.

ssb

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