



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

CORAM:

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

Crl.M.P.No.10688 of 2024
in Crl.A.No.972 of 2024

Selvam

.... Petitioner

Vs.

The Inspector of Police,
Arani Town Police Station,
Thiruvannamalai District.
Cr. No.445 of 2014

...Respondent

Miscellaneous Petition has been filed under Section 389 of Cr.P.C., to enlarge the petitioner on bail by suspending the sentence imposed in Special SC. No.18/2019 by the Court of the Special Court, POCSO Cases, Tiruvannamalai, Tiruvannamalai District by a judgment dated 15.06.2024.

For Petitioner : Mr.P.Ramyakumari

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 Spl. SC.No.18/2019 dated 15.06.2024 on the file of the learned



Special Court, POCSO Cases, Tiruvannamalai.

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2. The petitioner is in jail for more than a year and the trial Court has convicted the petitioner for the offence under Section 366(A), 468, 471, 420 of IPC and Section 4 of POCSO Act, 2012 and section 9 of Prohibition of child Marriage Act and sentenced him to undergo three years RI and ordered to pay a fine of Rs.1,000/-, in default, sentenced to undergo one month SI for the offence under Section 468 of IPC. Sentenced him to undergo one year RI and ordered to pay a fine of Rs.1,000/-, in default, sentenced to undergo one month SI for the offence under Section 471 of IPC. Sentenced him to undergo one year RI and ordered to pay a fine of Rs.1,000/-, in default, sentenced to undergo one month SI for the offence under Section 9 of Prohibition of Child Marriage Act. Sentenced him to undergo seven years RI and ordered to pay a fine of Rs.1,000/-, in default, sentenced to undergo one year SI for the offence under Section 4 of POCSO Act. The above sentences shall run concurrently. Challenging the same, the



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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 victim girl is aged about 15 years and the petitioner is arrayed as first accused in this case. On 18.09.2014, the petitioner along with other accused persons went to victim's house and taken the victim to Chennai and got married with her. Based on the complaint lodged by the father, the respondent police has registered a case.

5. The learned counsel appearing for the petitioner submitted that the petitioner and the victim has loved each other. On consent of the victim, the petitioner got married with her and at present, Out of the wedlock, they had a child. The petitioner is in jail for more than a year. Hence, he prays for grant of bail to the petitioner.



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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:

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 Special Court, POCSO cases, Tiruvannamalai.

8. Accordingly, this petition is ordered.

29.07.2024

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Note to office: Issue order copy on 30.07.2024

4/6



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

To

1. The Inspector of Police,
Arani Town Police Station,
Thiruvannamalai District.

2. The Special Court, POCSO Cases,
Tiruvannamalai, Tiruvannamalai District.

3. The Superintendent,
Central Prison, Vellore.

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



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M.DHANDAPANI, J.

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