



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM

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

Crl.M.P. No.17783 of 2023
in Crl.A. No.1269 of 2023

Manikandan

... petitioner

-Vs-

The State Rep.by
The Inspector of Police,
All Women Police Station,
Kallakurichi.
Crime No.11 of 2018

... Respondent

Prayer: Criminal Miscellaneous Petition is filed under Section 389 (1) of the Criminal Procedure Code, to suspend the sentence imposed in Spl.S.C.No.185 of 2019 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram, dated 05.10.2023 and enlarge the petitioner on bail.

For petitioner : Mr.B.Kumarasamy

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 for



Exclusive Trial of Cases under POCSO Act, Villupuram, in Spl.S.C.No.185 of 2019 dated 05.10.2023, 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 10 years and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for a period of three months. 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 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.

3. The victim girl now attained majority and appeared before this Court and submits that she is not inclined to marry the accused, however, she has no objection for grant of bail to the petitioner.

4. Considering the facts and circumstances of the case and the fact



that it is a love affair between the petitioner and the victim girl and that the victim girl has no objection for grant of bail to the petitioner, the Criminal Miscellaneous Petition is ordered and 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 for Exclusive Trial of Cases under POCSO Act, Villupuram, 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.

4. Post the main appeal in the usual course.

03.07.2024

ssb

Note: Issue order copy on 03.07.2024



WEB COPY

To

1. The Inspector of Police,
All Women Police Station,
Kallakurichi.
2. The learned Sessions Judge, Special Court for Exclusive Trial of Cases
under POCSO Act, Villupuram.
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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