



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.06.2024

CORAM:

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

Crl.M.P.No.17561 of 2023
in Crl.A.No.1246 of 2023

Ruthra Kumar

.... Petitioner

Vs.

The Inspector of Police,
Thanippadi Police Station,
Thandarampet Circle,
Thiruvannamalai District.
Cr. No.287 of 2018

...Respondent

Miscellaneous Petition has been filed under Section 389 of Cr.P.C., to suspend the sentence imposed upon the petitioner by the learned Special Court for the exclusive trial of POCSO Act Cases, Tiruvannamalai, Tiruvannamalai District in Spl.SC.No.162 of 2019 by the judgment dated 20.09.2023 and enlarge the petitioner on bail.

For Petitioner : Mr.M.R.Jothimanian
for M/s.S.Sasikumar

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

ORDER

This Criminal Miscellaneous petition has been filed to suspend the sentence imposed upon the petitioner by the learned Special Court for the exclusive trial of POCSO Act Cases,



Tiruvannamalai, Tiruvannamalai District in Spl.SC.No.162 of 2019

WEB COPY by the judgment dated 20.09.2023.

2. The petitioner is in jail for more than three years and the trial Court has convicted the petitioner under Section 363, 366 of IPC and Section 4 and 5(l) read with 6 of POCSO Act, 2012 and and Section 9 of Prohibition of child Marriage Act. For offence convicted the petitioner under Section 366 of IPC and sentenced him to undergo 10 years RI and ordered to pay a fine of Rs.1,000/-, in default, sentenced to undergo one month SI. For offence convicted the petitioner under Section 5(l) read with 6 of POCSO Act 2012 and sentenced him to undergo 10 years RI and ordered to pay a fine of Rs.1,000/-, in default, sentenced to undergo one month SI. For offence convicted the petitioner under Section 9 of Prohibition of child Marriage Act and sentenced him to undergo two years RI and ordered to pay a fine of Rs.1,000/-, in default, sentenced to undergo one month SI. The above said sentences shall run concurrently Challenging the same, the appellants have filed Criminal appeal and



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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 accused has kidnapped the victim girl and married to her and abused her physically. Based on the complaint lodged by the father of the victim, the respondent police has registered a case.

5. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent. The petitioner and the victim loved each other and with the consent of the victim, the petitioner married her. The petitioner is in jail for more than three years. Hence, he prays for grant of bail to the petitioner.

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



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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 Special Court for the exclusive trial of POCSO Act cases, Tiruvannamalai.

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

21.06.2024

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Note to office: Issue order copy on 24.06.2024

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

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1. The Inspector of Police,
Thanippadi Police Station,
Thandarampet Circle,
Thiruvannamalai District.

2. The Special Court for the exclusive trial of POCSO Act 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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