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Crl.M.P.No.19863 of 2023 in Crl.A.No.1628 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.19863 of 2023
in Crl.A.No.1628 of 2023

Maran @ Rajan

... Petitioner/Sole Accused

Vs.

The State Rep. by
The Inspector of Police,
Tiruppur North All Women Police Station,
Tiruppur, Tiruppur District.
(Cr.No.22/2022)

... Respondent

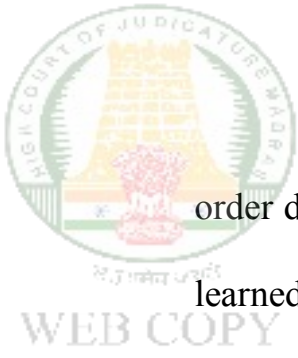
PRAYER: Criminal Miscellaneous Petition filed under Section 389 (1) Cr.P.C., to suspend the sentence imposed in Spl.S.C.No.124 of 2022 dated 27.06.2023 on the file of the learned Sessions Judge, Magalir Needhi Mandram, Fast Track Mahila Court, Tiruppur and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.M.Vignesh

For Respondent : Dr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner/accused by judgment and



order dated 27.06.2023 passed in Spl.S.C.No.124 of 2022 on the file of the learned Sessions Judge, Magalir Needhi Mandram, Fast Track Mahila Court, Tiruppur, and to enlarge the petitioner on bail pending disposal of the appeal.

2. The case of the prosecution is that on 30.07.2022 at about 3.00 p.m., the petitioner who was the neighbour of the victim had committed sexual assault on the victim by hugging her and by pinching her breasts.

3. The petitioner was convicted by the trial Court for the offences under Sections 9(m) r/w 10 of the POCSO Act, 2012 and sentenced to undergo rigorous imprisonment for five years and to pay a fine of Rs.5,000/-, in default to undergo rigorous imprisonment for six months.

4. Heard Mr.M.Vignesh learned counsel for the petitioner and Mr.C.E.Pratap, learned Government Advocate (Crl. Side) appearing for the respondent/State.

5. The learned counsel appearing for the petitioner would submit that the prosecution had not established its case beyond reasonable doubt; that



there is a dispute between the petitioner's daughter and the mother of the victim; that in order to take revenge on the petitioner's daughter, the petitioner has been falsely implicated; that there are arguable points in the above appeal; that the petitioner is in custody from 27.06.2023 and therefore, the sentence imposed on the petitioner may be suspended.

6. The learned Government Advocate (Crl.Side) *per contra* submitted that prosecution had established its case beyond reasonable doubt; that the petitioner has not made out any ground for suspension of sentence; and hence, prayed for dismissal of the petition .

7. Considering the submission made by the learned counsel for the petitioner that there are arguable points in the appeal, which requires consideration; that the petitioner is in custody from 27.06.2023; and the fact that the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

8. Accordingly, this criminal miscellaneous petition stands **allowed**. The sentence imposed on the petitioner is suspended and the petitioner is ordered to be released on bail on the following conditions:



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- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Needhi Mandram, Fast Track Mahila Court, Tiruppur;
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;
- (iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

19.11.2024

ars

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SUNDER MOHAN, J.

ars

To

1. The Sessions Judge,
Magalir Needhi Mandram, Fast Track Mahila Court, Tiruppur.
2. The Inspector of Police,
Tiruppur North All Women Police Station,
Tiruppur, Tiruppur District.
3. The Superintendent of Prisons,
Central Prison, Coimbatore.
4. The Public Prosecutor
Madras High Court.

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