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Crl.M.P.No.18275 of 2024
in
Crl.A.No.1623 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

Coram

The Honourable **Mr.Justice Sunder Mohan**

Crl .M.P.No.18275 of 2024

in

Crl.A.1623 of 2024

Jayasurya

...Petitioner

Vs.

The State by
The Inspector of Police,
All Women Police Station,
Perambur.

Crime No.28 of 2021

...Respondent

For Petitioner : Mr.R.Prabakar

Order

This Criminal Miscellaneous Petition is filed seeking to suspend the sentence imposed on the petitioner in Spl.C.C.No.29 of 2022 dated 28.11.2024 passed by the Mahila Court, Perambalur, and to enlarge the petitioner on bail, pending disposal of the Criminal Appeal.



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2. The case of the prosecution is that the petitioner was known to the victim and that, on 28.09.2021, the petitioner had stopped the victim, who was going to School and with sexual intent, misbehaved with the victim by touching her inappropriately.

3. The petitioner, who was arrayed as an accused in the above Spl.CC.No.29 of 2022, was convicted and sentenced as follows:

Offence under Section	Sentence imposed
294 (b) of the IPC	sentenced to undergo imprisonment for three months and to pay a fine of Rs.500/- in default to undergo imprisonment for fifteen days.
354D of the IPC	sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.10,000/- in default to undergo imprisonment for six months.
7 r/w 8 of the POCSO Act	sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.10,000/- in default to undergo imprisonment for six months.
11(4) r/w 12 of the POCSO Act	sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.10,000/- in default to undergo imprisonment for six months.
Sentences were ordered to run concurrently.	



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4. Challenging the above conviction and sentence, the petitioner has filed the above Criminal Appeal and he seeks suspension of sentence and bail in the present petition.

5. The learned counsel for the petitioner would submit that there are several arguable points involved in the Appeal and that the petitioner's sentence was suspended by the trial Court till 31.12.2024 and hence, prayed for allowing this Petition

6. The learned Government Advocate (Crl.Side) for the respondent opposed the prayer for suspension of sentence.

7. Considering, the fact that the petitioner has raised substantial grounds in the Appeal and the appeal which is not likely to be taken up in the near future; this Court is inclined to grant the relief of suspension of sentence.



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8. Accordingly, this criminal miscellaneous petition stands allowed and the sentence imposed on the petitioner, is suspended till the disposal of the criminal appeal and he is ordered to be released on bail on 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 Mahila Court, Perambalur,

(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 further



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orders 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.

21.12.2024

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To

The Mahila Court, Perambalur



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Sunder Mohan ,J.,

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