



Crl.M.P.(MD) No.1190 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twentieth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

Crl.M.P.(MD) No.1190 of 2024
in
Crl.A(MD) No.569 of 2022

AHAMED MEERAN

... PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE
UTHAMAPALAYAM SOUTH POLICE STATION,
THENI DISTRICT.
CRIME NO.64 OF 2020.

... RESPONDENT/RESPONDENT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence of Imprisonment imposed by the Learned Fast Track Mahila Judge,Theni in Spl.SC.No.31 of 2020 by the Judgment dt.27.5.2022 and enlarge the Petitioner/ Appellant on bail,pending disposal of the above said Criminal Appeal.

Prayer in CRL.A.(MD)No.569 of 2022:

To call for the records in Spl.S.C.No.31/2020 dated 27.05.2022 on the file of the Learned Fast Track Mahila Judge, Theni and to set aside the judgment of conviction and sentence.

Order : This Criminal Miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.AZAGARSAMI.A.K., Advocate for the petitioner and of MR.R.SIVAKUMAR, Government Advocate(Crl.side) on behalf of the Respondent, the court made the



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following order:-

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The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence passed against him by the learned Judge, Fast Track Mahila Court, Theni in Spl.S.C.No.31 of 2020 dated 27.05.2022 and to enlarge him on bail, pending disposal of the Criminal Appeal.

2. A case has been registered against the petitioner/accused alleging that he has sexually assaulted the victim girl by touching her private part, who was playing in the street on 15.01.2020. During trial, the prosecution has examined 13 witnesses and 13 documents were marked. On the side of the accused, neither witness was examined nor document was marked. After concluding the trial, the Court below found the accused guilty of the offence under section 6 of 'the Protection of Children from Sexual Offences Act, 2012' [hereinafter referred to as 'POCSO Act' for the sake of brevity] convicted and sentenced to undergo 10 years Rigorous Imprisonment and imposed a fine of Rs.5,000/- with default clause. Challenging the above said sentence, criminal appeal has been preferred before this court. Pending appeal, this miscellaneous petition has been filed by the petitioner.



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3. Learned counsel for the petitioner submitted that the petitioner is innocent and has not committed any offences as alleged by the prosecution. He submits that there is a delay in lodging the complaint and there was no explanation for the delay of 12 days in preferring the complaint. Learned counsel further submits that due to previous enmity between the victim girl's family and the petitioner, he was falsely implicated in the case. The petitioner has been incarcerated for more than one year and if he is released on bail, he is ready to abide any conditions imposed by this Court and thereby, he prayed for bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that this is the third bail application filed by the petitioner. Earlier, the petitioner has moved a petition in Crl.M.P.(MD) No.8588 of 2023 and the same was dismissed by this Court on 17.07.2023. Now, the petitioner again came before this Court without any change of circumstances.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the State and perused the materials available on record.



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6. Considering the facts and circumstances of the case and the period of incarceration of the petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Judge, Fast Track Mahila Court, Theni, in Spl.S.C.No.31 of 2020 dated 27.05.2022 alone is suspended, subject to the following stringent conditions:-

i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judge, Fast Track Mahila Court, Theni;

ii) 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 to ensure their identity;

iii) The petitioner shall appear before the concerned Court



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daily at 10.30 a.m. and 5.30 p.m., till the disposal of the appeal.

iv) The petitioner shall furnish his residential address and mobile number to the Trial Court ie., learned Judge, Fast Track Mahila Court, Theni.

8. Subject to the above conditions, this Criminal Miscellaneous Petition is allowed.

sd/-
20/03/2024

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25/03/2024
Sub-Assistant Registrar (PA-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. THE JUDGE, FAST TRACK MAHILA COURT, THENI,
2. THE INSPECTOR OF POLICE
UTHAMAPALAYAM SOUTH POLICE STATION,
THENI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.



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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
Crl.M.P.(MD) No.1190 of 2024
in
Crl.A(MD) No.569 of 2022
Date :20/03/2024

RK/ (25/03/2024) 6P / 5C

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17/07/2023