



CRL MP(MD) No.3052 of 2024

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

Monday, the Eighteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.3052 of 2024

in

CRL A(MD) No.209 of 2024

SANKAR

... Appellant / Sole Accused

Vs

THE INSPECTOR OF POLICE
VEDASENDUR POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.104/2023)

... Respondent / Complainant

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 imposed on the petitioner in the above Spl.S.C.No.273/2023 on the file of the learned Special Court for Exclusive Trial of cases under POCSO Act Dindigul District Dt 19.01.2024 and release the petitioner on bail pending disposal of the above criminal appeal.

Prayer in CRL A(MD) No.209 of 2024:

To call for records and to set aside the judgment and conviction passed by the learned Judge, Special Court for Exclusive Trial of cases under POCSO Act, Dindigul District in Spl.S.C.No.273 of 2023 dated 19.01.2024 and acquit the appellant herein.



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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.S.SARVAGAN PRABHU, Advocate for the appellant and of Mr.M.MUTHUMANIKKAM, Government Advocate (Crl. side) on behalf of the Respondent, the Court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence passed against him by the learned Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul, in Spl.S.C.No.273 of 2023 dated 19.01.2024 and to enlarge him on bail, pending disposal of the Criminal Appeal.

2. The petitioner stands convicted for the offence punishable under Section 366 of IPC and sentenced to undergo R.I. for 7 years with fine of Rs.2,000/- with default condition and under Section 6 of 'the Protection of Children from Sexual Offences Act, 2012' [hereinafter referred to as 'POCSO Act' for the sake of brevity] to undergo R.I. of 20 years and to pay a fine of Rs.3,000/- with six months Simple Imprisonment in default. The period of sentence was ordered to run concurrently. Challenging the above said conviction and sentence, criminal appeal has been preferred before this Court. Pending appeal, this criminal miscellaneous petition has been filed seeking suspension of sentence.

3. Learned counsel for the petitioner submitted that it is a clear case of



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love affair between the victim girl and the petitioner. At the time of occurrence, the victim girl was aged 15 years. The petitioner took the victim girl to his house under the guise of marrying her and committed aggravated penetrative sexual assault upon her. He submits that the prosecutrix went along with the petitioner on her own volition and stay with him as both are having love affair. Hence, the learned counsel prays for suspension of sentence of the petitioner.

4. The learned Additional Government Pleader appearing on behalf of the respondent vehemently opposes the bail application and submits that the prosecution has proved that, at the time of occurrence, the victim girl has not completed 18 years and she is a minor girl. The victim girl has deposed that the accused has committed the aggravated penetrative sexual assault upon her and hence, prays to dismiss the petition.

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.

6. On due consideration of the facts and circumstances of the case and having meticulously perused the evidence on record, without expressing any opinion on merits of the case, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.



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7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul, in Spl.S.C.No.273 of 2023 dated 19.01.2024 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 Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul;
- 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 and sign before the learned Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul, on the first working day of every English calendar month at 10.30 a.m., until further orders; and
- iv) The petitioner shall furnish his residential address and mobile number to the Trial Court ie., learned Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul.



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allowed.

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

sd/-
18/03/2024

/ TRUE COPY /

21/03/2024

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN

To

1.The Special Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Dindigul.

2.The Inspector of Police,
Vedasendur Police Station,
Dindigul District.

3.The Superintendent,
Central Prison, Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-3322[I] dated 18/03/2024)

ORDER

IN

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in

CRL A(MD) No.209 of 2024

Date :18/03/2024



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ED/ /SAR- (21/03/2024) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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