



Crl.M.P(MD)No.5228 of 2024

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

Friday, the Twenty Fourth day of May Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

Crl.M.P(MD)No.5228 of 2024

in

Crl.A.(MD)No.416 of 2024

ANANDHAMURUGAN

... PETITIONER/ APPELLANT/
SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
BODI,
THENI DISTRICT.
(CRIME NO.18/2021).

... RESPONDENT/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 against the petitioner in Spl.SC.No.75/2023 dated 27/3/2024 on the file of the Learned Sessions Judge (Fast Track Mahila Court), Special Court for POCSO Act Cases, Theni and enlarge the petitioner on bail pending disposal of appeal.

Prayer in Crl.A.(MD)No.416 of 2024:

Pleased to call for the records relating to the Judgment in Spl.S.C.No.75 of 2023 dated 27.03.2024 on the file of the Learned Sessions Judge (Fast Track Mahila Court), Special Court for POCSO Act Cases, Theni and set aside the same and allow this Criminal Appeal.

<https://www.mmc.tn.gov.in/judis>



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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 Mr.A.BALAJI, Advocate for the petitioner and of Mr.S.RAVI, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed in Spl.SC.No.75 of 2023 dated 27.03.2024 by the learned Sessions Judge, Fast Track Mahila Court for POCSO Act, Theni, and enlarge the appellant on bail pending disposal of main Criminal appeal.

2. The learned Sessions Judge, Fast Track Mahila Court for POCSO Act, Theni, has passed an order, vide judgment dated 27.03..2024 in Spl.SC.No.75 of 2023, convicted the appellant for the offence punishable under Section 9(1) 9(m) and Section 10 of POCSO Act, 2012 and sentenced him to undergo five years of rigorous imprisonment and to pay a fine of Rs.25,000/- in default to undergo six months rigorous imprisonment. Challenging the above judgment, the present appeal has been preferred.

3. The learned counsel appearing for the appellant submitted that there are arguable points in this Criminal Appeal and hence, prayed for suspension of sentence.

4. Heard the learned counsel appearing for the appellant and perused the impugned judgments and the materials on record.



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5. Taking into consideration of the above submission of the learned counsel appearing for the appellant, this Court finds that the appellant has substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the appellant is entitled to the relief of suspension of sentence.

6. Accordingly, it is ordered as follows :

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

(iii) The appellant shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders and if he is not able to appear before the



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trial Court on any day, he shall make arrangements to file an application under Section 317 of 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.

sd/-
24/05/2024

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24/05/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

JBR
TO
1 THE SESSIONS JUDGE,
(FAST TRACK MAHILA COURT),
SPECIAL COURT FOR POCSO ACT CASES, THENI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
BODI,
THENI DISTRICT.

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

+1 CC to M/s.A.BALAJI, Advocate (SR-5812[I] dated 24/05/2024)



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ORDER
IN
CrI.M.P(MD)No.5228 of 2024
in
CrI.A.(MD)No.416 of 2024
Date :24/05/2024

SA/SAR. /24.05.2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.