



CRL MP(MD) No.14304 of 2024

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

Friday, the Twentieth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

CRL MP(MD) No.14304 of 2024

IN

CRL A(MD) No.437 of 2024

BABU

... PETITIONER/ APPELLANT/ ACCUSED 2

Vs

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CHINNALAPATTI,
DINDIGUL DISTRICT.
CRIME NO.65/2023.

... 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 modify the conditions passed in Crl MP(MD) No.5326 of 2024 in Crl A(MD) No.437/2024 dt.20.06.2024 directing the petitioner in Para No.11, Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner 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 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; and



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(iii) The petitioner shall appear before the concerned Court once in a month ie., on the first working day of every English Calendar Month at 10.30 a.m., till the disposal of the appeal or any other appropriate direction issued by this Hon'ble Court if thing deemed to be fit and proper in the circumstance of the case.

Prayer in CrI.A(MD).437/2024:

Pleased to call for records and to set aside the Conviction and Sentence passed by the Learned Judge, Special Court for Exclusive Trial of cases under POCSO Act, Dindigul in Special S.C.No.302 of 2023 dated 02.01.2024 and acquit the appellant herein.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.MURUGESAN.I, Advocate for the petitioner and of Mr.M.SAKTHI KUMAR, Government Advocate (crl.side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to modify the conditions passed in CrI.M.P.(MD).No.5326 of 2024 in CrI.A.(MD).No.437 of 2024 dated 20.06.2024:

2.Today (20.12.2024), when the matter was taken up for hearing, the learned counsel for the petitioner submitted that the appellant and his mother and wife have no property. Therefore, they are unable to furnish sureties for the value of Rs.25,000/-. This Court granted bail on 20.06.2024, but, due to their inability, they are not able to execute the sureties. Therefore, he seeks to modify the conditions imposed on him.

3.Mr.M.Sakthi Kumar, learned Government Advocate (Criminal Side), reiterated



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the submissions made by the learned counsel for the petitioner.

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4. On 20.06.2024, this Court allowed the suspension of sentence petition filed by the petitioner in Crl.M.P.(MD).No.5326 of 2024 in Crl.A.(MD).No.437 of 2024, with the following conditions:

11. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following condition:

(i) The petitioner 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 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; and

(iii) The petitioner shall appear before the concerned Court once in a month ie., on the first working day of every English Calendar Month at 10.30 a.m., till the disposal of the appeal.

5. Considering the special circumstances of this case, this Court accepts the



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request made by the learned counsel for the petitioner and inclines to modify the

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condition No.1, as follows:

(i)The petitioner shall execute sureties of his mother and wife with original Aadhaar Card and Bank Pass Book each to the satisfaction of the The learned Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul. The learned Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul, is hereby directed to accept the surety from them without insisting the surety bond of Rs.25,000/-

6.Accordingly, this Criminal Miscellaneous Petition is allowed. The other conditions shall stand remained unaltered.

sd/-
20/12/2024

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/12/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SBN
TO
1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
DINDIGUL.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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



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3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
CHINNALAPATTI,
DINDIGUL DISTRICT.

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

+1 CC to M/s.I.MURUGESAN, Advocate (SR-15727[I] dated 20/12/2024)

ORDER
IN
CRL MP(MD) No.14304 of 2024
IN
CRL A(MD) No.437 of 2024
Date :20/12/2024

SA/SAR. /20.12.2024/5P/6C

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