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*Crl.M.P.No. 4173 of 2025
in Crl.A.No. 253 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No. 4173 of 2025
in
Crl.A.No. 253 of 2025

Pandian Petitioner

Vs

The State, rep by the
Inspector of Police,
W-3, All Women Police Station,
Chindadripet, Chennai.
Crime No.2 of 2020 Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on him by the Special Court for Exclusive Trial of Cases under POCSO Act (Sessions Judge), Chennai, in Special S.C.No.17 of 2021 dated 13.06.2024 and enlarge him on bail, pending disposal of the above criminal appeal.

For Petitioner : Mr.C.P.Sivamohan
For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of sentence imposed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, in Spl.S.C.No.17 of 2021 dated 13.06.2024, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.17 of 2021 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai. He was found guilty of the offence under Section 10 of POCSO Act and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 10 of POCSO Act	To undergo rigorous imprisonment for a period of five years and to pay fine of Rs.5,000/- in default to undergo simple imprisonment for one month.

Aggrieved by the same, the petitioners have filed this appeal along with the present miscellaneous petition.



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3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Appeal and the petitioners/accused have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide by any condition to be imposed by this Court.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.



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6. In view of the above, this Court is of the opinion that the petitioner has made a *prima facie* case for suspension of sentence. Further, considering the period of incarceration undergone by the petitioner and fact that the criminal appeal is not likely to be taken for final hearing in the near future, this Court is inclined to suspend the substantive sentence of imprisonment, subject to certain conditions.

7. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment imposed by the learned trial Judge is suspended and bail is granted to the petitioner subject to the following conditions:

(a) The petitioner/accused are ordered to be released on bail, on their executing 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, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety



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bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioners shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Appeal and if there are not able to appear before the trial Court on any day, they 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.

8. With the above directions, this Criminal Miscellaneous Petition is ordered.

03.07.2025
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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.
Lpp

To

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

2. The Superintendent,
Central Prison, Puzhal.

3. The Inspector of Police,
W-3, All Women Police Station,
Chindadripet, Chennai.

4. The Public Prosecutor,
Madras High Court,
Chennai.

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