



WEB COPY



Crl.M.P.No.13617 of 2025
in
Crl.A.No.878 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.13617 of 2025
in
Crl.A.No.878 of 2025

Gurumoorthy

... Petitioner

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Tiruvarur,
Tiruvarur District.
(Crime No.12 of 2021)

... Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, pleaded to suspend the sentence made in Spl.S.C.No.51 of 2021 on the file of learned Sessions Judge, Fast Track Mahila Court, Tiruvarur dated 04.10.2024 and enlarge the petitioner on bail.

For Petitioner : Mr.J.Jayan

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking to suspend the sentence imposed on him in Spl.S.C.No.51 of 2021 dated 04.10.2024 on the file of the learned Sessions Judge, Fast Track Mahila Court, Tiruvarur, and enlarge the petitioner on bail.

2. The petitioner is an accused in Spl.S.C.No.51 of 2021 on the file of the learned Sessions Judge, Fast Track Mahila Court, Tiruvarur. He was found guilty for the offences punishable under Sections and he has been convicted and sentenced as under:

S. No.	Conviction	Sentence
1.	Sections 5(m) r/w 6 of POCSO	to undergo twenty years rigorous imprisonment and to pay a fine of Rs.5000/-, in default to undergo six months simple imprisonment.
2.	Section 9(m) r/w 10 of POCSO Act	to undergo five years rigorous imprisonment and to pay a fine of Rs.2,000/- in default to undergo three months simple imprisonment.

Aggrieved by the same, the petitioner has 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 petitioner/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 the condition imposed by this Court.

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

5. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner, further this criminal appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions.



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6. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment imposed by the learned trial Judge is alone suspended and bail is granted on the following conditions:

(i) The petitioner/accused is ordered to be released on bail, on his 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, Fast Track Mahila Court, Tiruvarur;

(ii) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities;

(iii) The petitioner 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 he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 355 of BNSS, 2023 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.



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

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(2/2)

Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sp

To

- 1.The Sessions Judge, Fast Track Mahila Court, Tiruvarur.
- 2.The Superintendent, Central Prison, Trichy.
- 3.The Inspector of Police, All Women Police Station, Tiruvarur, Tiruvarur District.
- 4.The Public Prosecutor, Madras High Court, Chennai.



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G.K.ILANTHIRAIYAN, J.

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