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*Crl.M.P.No.11851 of 2025
in Crl.A.No.682 of 2025*



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2025

CORAM:

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

Crl.M.P.No.11851 of 2025
in
Crl.A.No.682 of 2025

Mahendran

..... Petitioner

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Chengam,
Tiruvannamalai District.
(Crime No.01 of 2022)

..... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the petitioner/appellant in Spl.S.C.No.54 of 2022 dated 01.10.2024 passed by the Special Court for POCSO Cases at Thiruvannamalai and release the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.S.Viduthalai Valavan

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 suspension of sentence imposed by the learned Special Court for POCSO Cases at Thiruvannamalai dated 01.10.2024 in Spl.S.C.No.54 of 2022, and release the petitioner on bail pending disposal of the above appeal.

2. The petitioner, who is an accused in Spl.S.C.No.54 of 2022, was convicted and sentenced by the Special Court for POCSO Cases at Thiruvannamalai, vide judgment dated 01.10.2024, as follows:

S.No	Conviction under Section	Sentence awarded
1	Section 366 of IPC	To undergo 5 years rigorous imprisonment for 5 years and to pay a fine of Rs.1000/- and in default of fine, to undergo simple imprisonment for a period of 1 year
2	Section 10 read with Section 9(m) of POCSO Act, 2012	To undergo 5 years rigorous imprisonment for 5 years and to pay a fine of Rs.1000/- and in default of fine, to undergo simple imprisonment for a period of 1 year



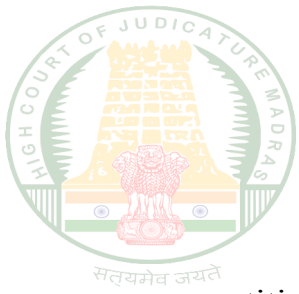
Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition.

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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 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. Considering the submissions of the learned counsel for the petitioner and the learned Additional Public Prosecutor, coupled with the quantum of punishment imposed upon the petitioner and taking into consideration the fact that 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.

7. 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:

(a) 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 Special Court for POCSO Cases at Thiruvannamalai

(b) 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.

(c) The petitioner shall appear before the Trial Court



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on all working day at 10.30 a.m., for a period of thirty days and thereafter 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, he 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.

23.06.2025
(2/2)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Sma
To

1. Special Court for POCSO Cases at Thiruvannamalai
2. The Inspector of Police,
All Women Police Station,
Chengam,
Tiruvannamalai District.
3. The Central Prison – I,
Central Jail, Vellore
4. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.
Sma

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