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Crl.M.P.No.13498 of 2025
in Crl.A.No.856 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2025

CORAM:

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

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in
Crl.A.No.856 of 2025

Jayakumar
S/o. Kuttaiyan
No.255, Pallari Colony Street,
Kathazhapattu Village, Mekkalur Post,
Keezhpennathur Division,
Thiruvannamalai District.

...Petitioner

Vs.

The State by its
The Inspector of Police,
All Women Police station,
Thiruvannamalai District.
(Crime No. 27 of 2021)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS 2023 to Suspend the sentence passed in the judgement dated 30.08.2024 in Special.SC.No.37/2022 by the Learned Sessions Judge, Spl.Court for POCSO Act Cases Convicting him U/s.354(D)IPC and sentenced to undergo 3 years RI along with fine of Rs.1000/- i/d to undergo 3months SI and convicted 366 IPC and Sentenced to undergo 5 years RI



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along with fine of Rs.1000/- i/s to undergo 1 year SI and further convicted u/s354(A) and section 9(1) r/w10 of POCSO Act 2012 and sentenced to undergo 7 years RI along with fine of Rs.1000/- i/d to undergo 1 year SI and further convicted u/s 376(3)r/w511 IPC and section 6r/w 18 of POCSO Act 2012 and sentenced to undergo 10 years RI along with fine of Rs.1000/- i/d, to undergo 1 year SI by enlarging him on bail.

For Petitioner : Ms.S.Santha Kumari

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Spl.Court for POCSO Act Cases, Thiruvannamalai in the judgement dated 30.08.2024 made in Special SC.No.37/2022 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Special SC.No.37/2022 on the file of learned Sessions Judge, Spl.Court for POCSO Act Cases. He was found guilty and has been convicted and sentenced as under:



S.No.	Conviction	Sentence
1	Section 354(D) IPC	To undergo three years rigorous imprisonment along with fine of Rs.1,000/- in default to undergo 3 months simple imprisonment.
2	Section 366 IPC	To undergo five years rigorous imprisonment along with fine of Rs.1,000/- in default to undergo one year simple imprisonment
3	Section 354(A) and Section 9(1) r/w. 10 of POCSO Act, 2012	To undergo 7 years rigorous imprisonment along with fine of Rs.1,000/- in default to undergo one year simple imprisonment
4	Section 376 (3) r/w. 511 IPC and Section 6 r/w. 18 of POCSO Act, 2012	To undergo 10 years rigorous imprisonment along with fine of Rs.1,000/- in default to undergo one year simple imprisonment

Aggrieved by the same, the Criminal Appeal along with the present petition to suspend the sentence imposed on him pending appeal.

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Appeal and the petitioner/accused has 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 the condition imposed by this Court.



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4. Per contra, the learned Government Advocate (Criminal Side) 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.

6. 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 and the learned Additional Public Prosecutor appearing for the respondent police, 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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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 separate 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 POCSO Act Cases, 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 daily 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 he is not able to appear before the trial Court on the said 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.



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8. With the above directions, this Criminal Miscellaneous Petition

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is ordered.

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Index : Yes/No
Neutral citation : Yes/No
Internet : Yes
Speaking/non-speaking order
bkn



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To

1. The Sessions Judge, Spl.Court for POCSO Act Cases
2. The Inspector of Police,
All Women Police station,
Thiruvannamalai District.
3. The Public Prosecutor,
Madras High Court,
Chennai.
4. The Superintendent,
Central Prison,
Vellore.



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G.K.ILANTHIRAIYAN, J.

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