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Crl.MP.No.10846 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2025

CORAM:

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

Crl.M.P.No.10846 of 2025

in

Crl.A.No.616 of 2025

Kathirvelu

...Petitioner

Vs.

State represented by:
The Inspector of Police,
Mettupalayam Circle,
Puducherry
(crime No.75 of 2019)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS Act, to suspend the sentence imposed on the petitioner/appellant in Spl.SC.No.32 of 2023 dated 22.04.2025 passed by the Fast Track Court Exclusive to deal with offences under the POCSO Act at Puducherry and release the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.A.Velmurugan

For Respondent : Mr.A.Alaxender,
Government Advocate(crl.side)(pondy)



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ORDER

This Criminal Miscellaneous Petition has been filed praying to suspend the sentence imposed on the petitioner/appellant in Spl.SC.No.32 of 2023 dated 22.04.2025 passed by the Fast Track Court Exclusive to deal with offences under the POCSO Act at Puducherry and to release the petitioner on bail pending disposal of the above appeal.

2. The petitioner is the second accused in Spl.SC.No.32 of 2023 on the file of the Fast Track Court Exclusive to deal with offences under the POCSO Act at Puducherry. He was found guilty of the offences under Section 6 r/w 17 of POCSO Act and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 6 r/w 17 of POCSO Act	to undergo rigorous imprisonment for 20 years and to pay fine of Rs.10,000/-, in default to undergo three months simple imprisonment

Aggrieved by the same, the petitioner has filed criminal 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 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.

4. Per contra, the learned Government Advocate(crl.side) (pondy) 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, this Court



find that the petitioner made out a prima facie case for entertaining this petition. Further, as the 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 are 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 Sessions Judge, Fast Track Court Exclusive to deal with offences under the POCSO Act at Puducherry

(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 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



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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.

13.06.2025
(2/2)

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

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To

- 1.The learned Sessions Judge, Fast Track Court Exclusive to deal with offences under the POCSO Act at Puducherry
- 2.The Inspector of Police,
Mettupalayam Circle,
Puducherry
- 3.Central Prison, Puducherry
- 4.The Public Prosecutor,
Madras High Court.

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