



WEB COPY



*Crl.M.P.No.13778 of 2025
in Crl.A.No. 924 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2025

CORAM:

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

Crl.M.P.No. 13778 of 2025
in
Crl.A.No. 924 of 2025

Karthi Petitioner

Vs

State rep by its
Inspector of Police,
AWPS Mayiladuthurai,
Cr.No.05 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 appellant by order dated 29.11.2023 in Spl.S.C.No.52 of 2022 on the file of the Special Court for Trial of Cases under POCSO Act, Nagapattinam, pending disposal of the above Criminal Appeal and enlarge the appellant on bail.

For Petitioner : Mr.Shivakumar
for M/s.K.M.Vijayan Associates
For Respondent : Mr.S.Raja Kumar
Additional Government Pleader



*Crl.M.P.No.13778 of 2025
in Crl.A.No. 924 of 2025*

ORDER

WEB COPY

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Nagapattinam, in Spl.S.C.No.52 of 2022 dated 29.11.2023, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No. 52 of 2022 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Nagapattinam. He was found guilty of the offences under Section 10 r/w 9 of POCSO Act and under Section 4(2) r/w 18 of POCSO Act and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	10 r/w 9 of POCSO Act	to undergo rigorous imprisonment for a period of five years and to pay fine of Rs.10,000/-, in default of payment of fine to undergo simple imprisonment for one year.
2.	4(2) r/w 18 of POCSO Act	to undergo rigorous imprisonment for a period of ten years and to pay fine of Rs.20,000/-, in default of payment of fine to undergo simple imprisonment for one year.



*Crl.M.P.No.13778 of 2025
in Crl.A.No. 924 of 2025*

WEB COPY

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

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 are ready to abide the condition 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.



*Crl.M.P.No.13778 of 2025
in Crl.A.No. 924 of 2025*

WEB COPY

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

6. A perusal of the records reveals that the petitioner has made out a prima facie case for grant of suspension of the sentence imposed by the Trial Court. That apart, the petitioner is in incarceration imprisonment.

7. 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.

8. 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:



*Crl.M.P.No.13778 of 2025
in Crl.A.No. 924 of 2025*

WEB COPY

(a) The petitioner/accused are 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 Exclusive Trial of Cases under POCSO Act, Nagapattinam.

(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 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.

15.07.2025
(2/2)

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



*Crl.M.P.No.13778 of 2025
in Crl.A.No. 924 of 2025*

WEB COPY
To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Nagapattinam.
2. The Superintendent,
Central Prison,
Cuddalore.
3. The Inspector of Police,
AWPS, Mayiladuthurai.
4. The Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY



*Crl.M.P.No.13778 of 2025
in Crl.A.No. 924 of 2025*

G.K.ILANTHIRAIYAN, J.

Lpp

Crl.M.P.No.13778 of 2025
in
Crl.A.No. 924 of 2025

15.07.2025
(2/2)