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CrI..MP..No.11675 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2025

CORAM:

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

CrI.MP.No.11675 of 2025

in

CrI.A.No.679 of 2025

Sathishkumar

... Petitioner

Versus

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

... Respondents

PRAYER: Criminal Miscellaneous Petition filed under Section 15 of the Limitation Act, to suspend the sentence made in Spl. S.C. No.53 of 2022, on the file of the learned Sessions Judge, Principal POCSO Court, Salem and enlarge the petitioner on bail.

For Petitioner : Mr. J. Jayan

For Respondents : Mr. S. Rajakumar
Additional Public Prosecutor

ORDER



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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Principal POCSO Court, Salem, in Spl.S.C.No.53 of 2022 dated 02.05.2025, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein are the accused in Spl.S.C.No.53 of 2022 on the file of the learned Sessions Judge, Principal POCSO Court, Salem. The petitioner was found guilty of the offence under Section 451 of IPC and Section 11(i) r/w 12 of POCSO, Act, 2012, and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 451 of IPC	to undergo Rigorous Imprisonment for a period of 2 years, along with a fine of Rs.1,000/-, in default to undergo Rigorous Imprisonment for a further period of six months.
2	Section 11(i) r/w 12 of POCSO, Act, 2012	to undergo Rigorous Imprisonment for a period of 3 years, along with a fine of Rs.1,000/-, in default to undergo Rigorous Imprisonment for a further period of six months.

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



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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. Further it is his specific submission that while at the time of pronouncing judgment, the Trial Court has suspended the sentence till 20.06.2025. He would submit that the petitioner is ready to abide the condition imposed by this Court.

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



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considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) 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.

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 their 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, Principal POCSO Court, Salem.

(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 30 days and thereafter, once in a month, on the first working day of every English Calendar month at 10:30 A.M., until the**



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disposal of the Criminal Appeal and if the petitioner is 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.

**20.06.2025
(2/2)**

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

klt

To

1. The learned Sessions Judge, Principal POCSO Court, Salem.
2. The The Inspector of Police,
All Women Police Station, Sankari, Salem District.
3. The Public Prosecutor, High Court of Madras, Chennai.



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G.K.ILANTHIRAIYAN, J.

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