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*Crl.M.P.No. 12556 of 2025
in Crl.A.No.741 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2025

CORAM:

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

Crl.M.P.No.12556 of 2025
in
Crl.A.No. 741 of 2025

Mani @ Manikandan

...Petitioner

Vs.

State rep by
The Inspector of Police,
All Women Police Station,
Sankari, Salem District
(Crime No. 11 of 2022)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of Bharathiya Nagarik Suraksha Sanhita, 2023 to suspend the sentence imposed upon the petitioner/appellant by the learned Sessions Judge, Principal POCSO Court, Salem dated 03.06.2025 in Spl.S.C.No.151 of 2022 and enlarge the petitioner on bail pending appeal.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.S.Raja Kumar

Government Advocate (Crl. Side)



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ORDER

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.151 of 2022 dated 03.06.2025, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.151 of 2022 on the file of the learned Sessions Judge, Principal POCSO Court, Salem . The petitioner was found guilty for the offences under Section 11(i) r/w 12 of POSCO Act, 2012 and convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 11(i) r/w 12 of POCSO Act, 2012	to undergo rigorous imprisonment for a period of three years and to pay fine of Rs.1,000/-, in default to undergo additional rigorous imprisonment for six months.

Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition. In the meantime, the trial court ordered suspension of sentence in which the sentence was suspended by the learned Sessions Judge, Principal POCSO Court, Salem on 04.06.2025 in Crl.M.P.No.909 of 2025 and the same is granted upto 03.07.2025.



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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. Further it is his specific submission that while at the time of pronouncing judgment, the trial Court has suspended the sentence till 03.07.2025. 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.



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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 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 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, 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 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.

30.06.2025

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

To

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



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G.K.ILANTHIRAIYAN, J.

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