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Crl.M.P No.13990 of 2025
in Crl.A.No.985 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2025

CORAM:

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

Crl.M.P.No.13990 of 2025
in
Crl.A.No.985 of 2025

Dinesh

... Petitioner

Vs

State Rep by
Inspector of Police:
Latheri Police Station,
Vellore District.
(Crime No.1089 of 2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the Petitioner/Appellant in Spl.S.C.No.92 of 2020 (on the file of the Special Judge, Exclusive trial of POCSO Act Cases at, Vellore) by the Judgement dated 04.01.2025 and enlarge the Petitioner/Appellant on bail pending disposal of connected Criminal Appeal.

For Petitioner : Mr.K.Elangovan

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



Crl.M.P No.13990 of 2025
in Crl.A.No.985 of 2025

WEB COPY

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the trial court on the file of the Special Judge, Exclusive trial of POCSO Act Cases at, Vellore) in Spl.S.C.No.92 of 2020 dated 04.01.2025 for the offence punishable under Section 5(1) r/w Section 6 of POCSO Act and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2. The petitioner herein is the accused in Spl.S.C.No.92 of 2020 dated 04.01.2025 on the file of the Special Judge, Exclusive trial of POCSO Act Cases at, Vellore). He was found guilty of the offence under Section 5(1) r/w Section 6 of POCSO Act and have been convicted and sentenced to undergo 20 years of rigorous imprisonment and to pay a fine of Rs.1,00,000/- in default in payment of the same, he shall undergo rigorous imprisonment for a further period of two years. Aggrieved by the same, the present appeal has been filed.



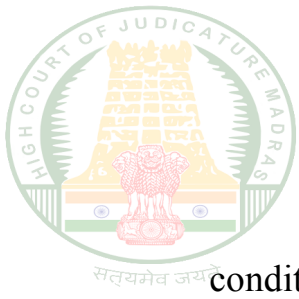
Crl.M.P No.13990 of 2025
in Crl.A.No.985 of 2025

WEB COPY

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 is ready to abide the condition imposed by this Court.

4. Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent and also perused the materials placed on record.

5. Considering the submissions of the learned counsel for the petitioner, coupled with the quantum of punishment imposed upon the petitioner and taking into consideration the fact that 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. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail is granted on the following



Crl.M.P No.13990 of 2025
in Crl.A.No.985 of 2025

conditions:

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(i) The petitioner shall execute a bond for a sum of Rs.25,000/- with two sureties, each for a likesum to the satisfaction of the trial court;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;

(iii) The petitioner shall appear before the Trial Court daily for a period of 30 days thereafter on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 355 of BNSS, 2023 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;



Crl.M.P No.13990 of 2025
in Crl.A.No.985 of 2025

WEB COPY

6. With the above directions, this Criminal Miscellaneous Petition is
ordered.

17.07.2025
(2/2)

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

Nhs

To

1. The Inspector of Police:
Latheri Police Station,
Vellore District.

2. The Special Judge, Exclusive trial of POCSO Act Cases,
Vellore.

3. The Superintendent,
Central Prison,
Vellore.

4. The Additional Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



WEB COPY



Crl.M.P No.13990 of 2025
in Crl.A.No.985 of 2025

G.K.ILANTHIRAIYAN, J.

Nhs

Crl.M.P.No.13990 of 2025
in
Crl.A.No.985 of 2025

17.07.2025
(2/2)



WEB COPY



Crl.M.P No.13990 of 2025
in Crl.A.No.985 of 2025

Crl.A.No.985 of 2025

G.K.ILANTHIRAIYAN, J.

Admit. Notice.

2. Mr.Raja Kumar Additional
Public Prosecutor takes notice for
the respondent.

3. Registry is directed to call
for the records from the lower Court
and prepare typed set of papers.

Nhs

17.07.2025
(1/2)