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Crl.MP.No.12823 of 2023

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.12823 of 2023

in

Crl.A.No.99 of 2023

Thangavel

...Petitioner

Vs.

The State rep. By
The Inspector of Police,
Mecheri Police Station,
Salem District
crime No.306 of 2018

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed in Special SC.No.262 of 2019 against A2 by the Sessions Judge, Principal POCSO Court, Salem dated 29.12.2022 and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.L.Mouli

For Respondent : Mr.S.Raja Kumar,
Additional Public Prosecutor



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ORDER

This Criminal Miscellaneous Petition has been filed praying to suspend the sentence imposed in Special SC.No.262 of 2019 against A2 by the Sessions Judge, Principal POCSO Court, Salem dated 29.12.2022 and to enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner is A2 in Special SC.No.262 of 2019 on the file of the Sessions Judge, Principal POCSO Court, Salem. He was found guilty of the offences under Sections 366 of IPC and Section 16 r/w 17 of POCSO Act and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 366 of IPC	to undergo seven years rigorous imprisonment and to pay fine of Rs.1,000/-, in default to undergo one year rigorous imprisonment
2.	Section 16 r/w 17 of POCSO Act	to undergo ten years rigorous imprisonment and to pay fine of Rs.1,000/-, in default to undergo one year rigorous imprisonment

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



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3. The learned counsel for the petitioner/A2 would submit that there are arguable points available in the Criminal Appeal and the petitioner/A2 has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioner/A2 may be suspended. He would submit that the petitioner is 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.

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



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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.

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/A2 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, Principal POCSO Court, Salem.

(b) The petitioner/A2 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/A2 shall appear before the Trial Court on the first working day of every English Calendar month at



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10.30 a.m., until the disposal of the Criminal 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 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 Sessions Judge, Principal POCSO Court, Salem
- 2.The Inspector of Police,
Mecheri Police Station,
Salem District
- 3.Central Prison, Coimbatore
- 4.The Public Prosecutor,
Madras High Court.

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in
Crl.A.No.99 of 2023

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