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Crl.M.P.No.14665 of 2025 in Crl.A.No.797 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2025

CORAM:

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

Crl.M.P.No.14665 of 2025
in Crl.A.No.797 of 2025

Eswaran

... Petitioner

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Omalur,
Salem District.
(Cr.No.11/2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023, to suspend the sentence imposed against the petitioner on 19.04.2023 in Spl.S.C.No.85 of 2020 on the file of the Sessions Court, Principal POCSO Act, Salem and release the petitioner on bail till the disposal of the criminal appeal.

For Petitioner : Mr.P.Pugalenth

For Respondent : Mr.S.Raja Kumar

Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed in Spl.S.C.No.85 of 2020 dated 19.04.2023 by the Sessions Court, Principal POCSO Act, Salem and enlarge the



petitioner on bail.

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2. The petitioner is an accused in Spl.S.C.No.85 of 2020 on the file of the Sessions Court, Principal POCSO Act, Salem. He was found guilty for the offences punishable under Sections and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Section 9(m) read with 10 (2 counts) of POCSO Act	to undergo 7 years rigorous imprisonment and to pay a fine of Rs.5000/-, for each count in default to undergo 1 year rigorous imprisonment for each count.

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 is ready to abide the condition imposed by this Court.

4. Heard the learned counsel on either side and perused the materials placed on record.



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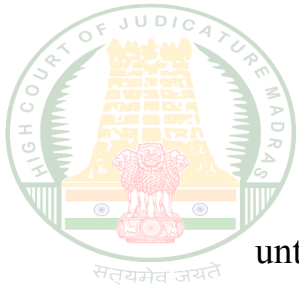
5. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner, further this criminal appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions.

6. 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/accused 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 Sessions Court, Principal POCSO Act, 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, on the first working day of every English Calendar month at 10.30 a.m.,



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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 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.

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

30.07.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn



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To

1. The Sessions Court, Principal POCSO Act, Salem.
2. The Inspector of Police,
All Women Police Station,
Omalur,
Salem District.
3. The Superintendent of Prison,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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