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*Crl.M.P No.14979 of 2025 in
Crl.A.No.1158 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2025

CORAM:

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

Crl.M.P.No.14979 of 2025
in
Crl.A.No. 1158 of 2025

Mohamaed Yasin

.... Petitioner

Vs

The Inspector of Police
W-13, All Women Police Station
Washermenpet, Chennai
(Crime No.17 of 2019)

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the petitioner/appellant in Spl.S.C No.109 of 2020 by the learned Sessions Judge, Special Court For Exclusive Trial of Cases Under POCSO Cases, Chennai and enlarge the petitioner on bail, till the disposal of the above Criminal Appeal.

For Petitioner : Mr.M.Mohana Sundaram
For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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ORDER

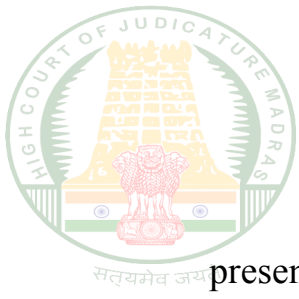
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This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of sentence imposed by the learned Sessions Judge, Special Court For Exclusive Trial of Cases Under POCSO Cases, Chennai, by its judgment dated 02.07.2025 passed in Spl.SC No.109 of 2020 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.109 of 2020 on the file of the learned learned Sessions Judge, Special Court For Exclusive Trial of Cases Under POCSO Cases, Chennai. He was found guilty of the offences under Section 452 of IPC and Section 12 of POCSO Act and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 12 of POCSO Act	to undergo simple imprisonment for a period of one year and to pay fine of Rs.2,000/-, in default to undergo 3 months simple imprisonment.
2	Section 452 of IPC	to undergo simple imprisonment for a period of one year and to pay fine of Rs.2,000/-, in default to undergo 3 months simple imprisonment.
3		Compensation of Rs.50,000/-

Aggrieved by the same, the petitioner has filed this appeal along with the



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present miscellaneous petition.

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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. 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, and also taking note of the fact that the petitioner has made out a prima facie case, 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/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 learned Sessions Judge, Special Court For Exclusive Trial of Cases Under POCSO Cases, Chennai,

(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



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daily at 10.30 a.m for a period of 15 days and thereafter, on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Appeal and if there are 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.

05.08.2025
(2/2)

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

1. The Sessions Judge, Special Court For Exclusive Trial of Cases Under POCSO Cases, Chennai,

2.The Inspector of Police
W-13, All Women Police Station
Washermenpet, Chennai

3.The Public Prosecutor
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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