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Crl.M.P.No.15958 of 2025
in Crl.A.No.1301 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2025

CORAM:

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

Crl.M.P.No.15958 of 2025

in

Crl.A.No.1301 of 2025

1.Uma

2. Guhan

..... Petitioners/Appellants

Vs

State represented by
The Inspector of Police,
Kovilpalayam Police Station,
Kovilpalayam - Post,
Coimbatore District.
(Crime No.277 of 2019)

..... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the petitioners/appellant in S.C.No.123 of 2021 dated 22.07.2025 passed by the Sessions Judge Mahalir Neethi Mandram (Additional Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore) and release the petitioners on bail pending disposal of the above appeal.

For Petitioners : Mr.D.Veerasekharan

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



ORDER

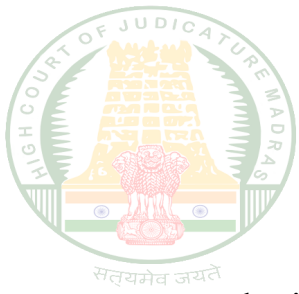
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This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of sentence imposed by the learned Sessions Judge Mahalir Neethi Mandram (Additional Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore) dated 22.07.2025 in S.C.No.123 of 2021, and release the petitioners on bail pending disposal of the above appeal.

2. The petitioners, who are accused in S.C.No.123 of 2021, were convicted and sentenced by the Sessions Judge Mahalir Neethi Mandram (Additional Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore) dated 22.07.2025, as follows:

S.No	Conviction under Section	Sentence awarded
1	Section 498(A) of IPC	To undergo two years Simple Imprisonment and fine of Rs.1000/- each and in default of fine, three years simple imprisonment.

Aggrieved by the same, the petitioners have filed this appeal along with the present miscellaneous petition.



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3. The learned counsel for the petitioners/accused would submit that there are arguable points available in the Criminal Appeal and the petitioners/accused have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioners/accused may be suspended. He would submit that the petitioners are ready to abide any condition to be 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 submissions of the learned counsel for the petitioners and the learned Additional Public Prosecutor, coupled with the quantum of punishment imposed upon the petitioners 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.

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 petitioners/accused is ordered to be released on bail, on their 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 Mahalir Neethi Mandram (Additional Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore).

(b) The petitioners/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.



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(c) The petitioners shall appear before the Trial Court on all working day at 10.30 a.m., for a period of thirty 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.

21.08.2025

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

1. Sessions Judge Mahalir Neethi Mandram
(Additional Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore)
2. The Inspector of Police,
Kovilpalayam Police Station,
Kovilpalayam - Post,
Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.
Sma

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