



*Crl.M.P.No.18272 of 2023
in Crl.A.No.471 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.18272 of 2023

in

Crl.A.No.471 of 2023

Karthick

... Petitioner / Accused

Vs.

State rep by
The Inspector of Police,
All Women Police Station,
Tiruppur North,
Tiruppur District.
Cr.No.01 of 2021

... Respondent / Complainant

Prayer: Criminal Miscellaneous Petition has been filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita praying to enlarge the petitioner on bail by suspending the imprisonment imposed on the petitioner by the Trial Court vide judgement dated 21.04.2022 made in S.C.No.87 of 2021 on the file of the Mahalir Needhi Mandram, Tirupur pending disposal of the above C.A.No.471 of 2023.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Dr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The Criminal Miscellaneous Petition has been filed to enlarge the petitioner on bail by suspending the imprisonment imposed on him by the Trial Court vide judgement dated 21.04.2022 made in S.C.No.87 of 2021 on the file of the Mahalir Needhi Mandram, Tirupur, pending disposal of the above Crl.A.No.471 of 2023.

2. The case of the prosecution is that the petitioner and the victim girl had a consensual relationship; that the victim was aged 15 years at the time of occurrence; and that the petitioner, on the promise of marriage, had sexual intercourse with the victim on several occasions by suppressing the fact that he was already married and having two children.

3. The petitioner/accused in S.C.No.87 of 2021 was convicted by the learned Sessions Judge, Mahila Court, Tirupur for the offences under Section 5(1) r/w Section 6 of POCSO Act and sentenced to undergo 20 years of rigorous imprisonment with fine of Rs.10,000, in default to undergo 1 year of rigorous imprisonment and for the offence under Section 5(j)(ii) r/w Section 6



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of POCSO Act and sentenced to undergo 20 years of rigorous imprisonment with fine of Rs.10,000, in default to undergo 1 year of rigorous imprisonment. Aggrieved by the said order, the petitioner/accused filed Crl.A.No.471 of 2023 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel for the petitioner would submit that the petitioner is in custody from 21.04.2022 and was in custody during investigation for a period of 1 year and 2 months from 06.02.2021 to 21.04.2022 and thus, has spent nearly 4 years in jail; that the conviction is based on the sole testimony of the victim; and that there are several arguable points in the above appeal, which requires consideration and he prays for suspension of sentence.

5. Heard the learned counsel for the learned Government Advocate (Crl.Side) for the respondent and perused the records, including the counter affidavit filed by the respondent.



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6. The learned Government Advocate (Crl.Side) confirms the fact that the petitioner is in custody for almost 4 years.

7. It is admitted that the relationship of the victim with the petitioner was consensual and the petitioner was aged 25 years at the time of occurrence. In such circumstances, it has to be examined in the above appeal as to whether the conviction can be sustained on the sole testimony of the victim. The appeal is likely to be taken up in the near future. Therefore, considering the period of incarceration and the above facts, this Court is inclined to grant suspension of sentence to the petitioner till the disposal of the above Appeal and the petitioner is ordered to be released on bail on the following conditions:

(i) The sentence of imprisonment alone, imposed on the petitioner/accused shall be suspended, on him executing a bond for a sum of Rs.10,000/- with two sureties, each for a likesum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram, Tiruppur.

(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



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ensure their identity;

(iii) The petitioner shall appear before the trial Court on the first working day of every 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 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. Accordingly, the Criminal Miscellaneous Petition is ordered.

31.01.2025
(2/2)

Anu

Issue order copy by 04 .02.2025
Upload the order copy forthwith.

To

1.The Sessions Judge, Mahalir Neethi Mandram,
Tiruppur
2.The Superintendent,
Central Prison, Coimbatore
3.The Inspector of Police,
All Women Police Station,
Tiruppur North,
Tiruppur District.



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SUNDER MOHAN, J.
Anu

4.The Public Prosecutor,
High Court, Madras.

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