



Crl.M.P No.367 of 2023 in
Crl.A.No.33 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2025

CORAM:

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

Crl.M.P.No.367 of 2023
in
Crl.A.No.33 of 2023

Prabhu

.... Petitioner

Vs

State through
The Inspector of Police,
Rasipuram Police Station,
Namakkal District.
(Crime No.364 of 2018)

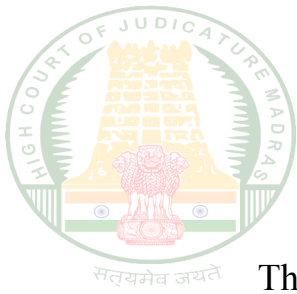
.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C to suspend the sentence imposed against the petitioner and release him on bail pending disposal of the main Criminal Appeal before this Hon'ble Court against the Judgment of the Hon'ble Sessions (Fast Track Mahila) Judge, Namakkal in Special C.C.No.28 of 2018 dated 07.12.2020.

For Petitioner : Mr.R.Prakash

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

ORDER



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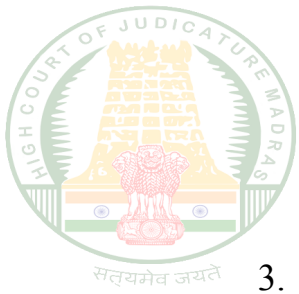
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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the Learned Sessions (Fast Track Mahila) Judge, Namakkal in S.C.No.28/2018 dated 07.12.2020 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2. The petitioner herein is the accused in S.C.No.28 of 2018 on the file of the learned Sessions (Fast Track Mahila) Judge, Namakkal. He was found guilty of the offence under Section 5(1) r/w 6 of Protection of children from the sexual offences Act 2012, 363 of I.P.C, Section 9 of Protection of children Marriage Act 2006 and he has been convicted and sentenced as under:-

S.No.	Conviction	Sentence
1	Section 5(1) r/w 6 of Protection of children from the sexual offences Act 2012	to undergo imprisonment for a period of ten years and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for six months.
2	Section 363 of I.P.C	to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for six months.
3	Section 9 of Protection of Children Marriage Act 2006	to undergo rigorous imprisonment for a period of two years.

The said sentences were directed to run concurrently. Aggrieved by the same, the present appeal has been filed.



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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 any condition to be imposed by this Court.

4. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record.

5. Considering the submissions of the learned counsel for the petitioner and coupled with the quantum of punishment imposed upon the petitioner 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. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(i) the petitioner shall execute an own bond for a sum of Rs.25,000/- with two sureties, each for a likesum to the satisfaction of the trial court;



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(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 ensure their identity;

(iii) The petitioner shall appear before the Trial Court daily for a period of 30 days thereafter on the first working day of every English Calendar 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 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;

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

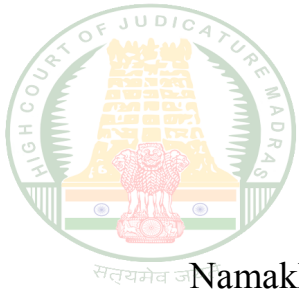
24.07.2025

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

Nhs

To

1. The learned Sessions (Fast Track Mahila) Judge,
Namakkal
2. The Inspector of Police,
Rasipuram Police Station,



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Namakkal District.

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3. The Public Prosecutor,
High Court of Madras,
Chennai-600 104.

4. The Superintendent,
Central Prison,
Coimbatore.



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G.K.ILANTHIRAIYAN, J.

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