



Crl.M.P.No.29 of 2025
in Crl.A.No.4 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM

THE HONOURABLE Mr.JUSTICE SUNDER MOHAN

Crl.M.P.No.29 of 2025

IN

Crl.A.No.4 of 2025

Jayavel

.. Petitioner

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police
All Women Police Station
Theankani Kottai
Krishnagiri District
(Crime No.13 of 2021)

.. Respondent

Criminal Miscellaneous Petition filed under Section 430 of BNSS, to suspend the sentence of imprisonment imposed in judgment dated 08.10.2024 made in Spl.C.C.No.39 of 2021 on the file of the Sessions Judge, Fast Track Mahila Court, Krishnagiri and enlarge the petitioner on bail pending disposal of the criminal appeal before this Court.

For Petitioner : Mr.K.S.Karthik Raja

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



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed by the Sessions Judge, Fast Track Mahila Court, Krishnagiri, by judgment dated 08.10.2024 in Spl.C.C.No.39 of 2021 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

2. The petitioner/accused in Spl.C.C.No.39 of 2021 was convicted by the Trial Court by judgment dated 08.10.2024 for the offences under Section 363 IPC and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo six months simple imprisonment. Aggrieved by the same, the petitioner/accused filed Crl.A.No.4 of 2025 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

3. It is the case of the prosecution that the petitioner was known to the victim, who was aged about 16 years at the time of occurrence; that the petitioner expressed his love for the victim and thereafter, he committed the



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offence under Section 363 IPC and also the offence under Sections 5(1) read with 6 of POCSO Act, by taking her in his two-wheeler to a brickkiln.

4. The learned counsel for petitioner would submit that though the petitioner was charged for the offences under Sections 5(1) read with 6 of POCSO Act, he was convicted by the trial Court for the offence under Section 363 IPC, without any basis; that he has several arguable points, which requires consideration and the sentence was suspended by the trial Court for a period of one month.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

6. Considering the submissions of the learned counsel for the petitioner and since there are arguable points which requires consideration; that the sentence of imprisonment has already been suspended by the trial Court and since the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner.



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7. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended till the disposal of the above Criminal appeal and the petitioner is ordered to be released on bail on the following conditions:

- (i) The petitioner shall execute a bond each for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri;
- (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 Aadhaar card or Bank pass Book and mobile numbers to ensure their identity; and
- (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 the petitioner 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.

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To

1.The Sessions Judge
Fast Track Mahila Court
Krishnagiri

2. Inspector of Police
All Women Police Station
Theankani Kottai
Krishnagiri District
(Crime No.13 of 2021)

3.The Public Prosecutor
High Court, Madras



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SUNDER MOHAN, J.
gva

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