



CRL MP No. 17645 of 2024 in
CRL A NO.1550 OF 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-01-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL.M.P.NO.17645 OF 2024

in CRL A.No.1550 of 2024

MUTHUSAMY

S/o.Nagarajan,
438, Police Colony, Papparapatti,
Dharmapuri District.

Appellant(s)

Vs

State By The Inspector Of Police,
Awps Pennagaram, Dharmapuri District.
Cr.No.4/2022

Respondent(s)

For Appellant(s) : Mr.N.Sudharsan
For Respondent(s): Dr.C.E.Pratap,
Govt Advocate (crl Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence imposed on the petitioner by the learned Special Court for the exclusive trial of POCSO Act cases, Dharmapuri District dated 18.11.2024 in Spl.S.C.No.214 of 2023 and enlarge him on bail, pending disposal of the above appeal.

2. The case of the prosecution is that the victim child was studying VI

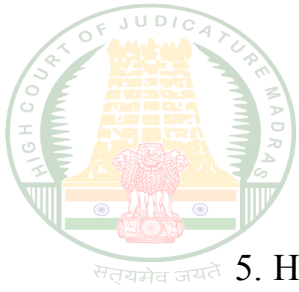


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standard in a school in which the petitioner was working as a Headmaster; that on 21.03.2022 at about 10.00 hours, the petitioner called the victim to his office room, hugged her and kissed her on her lips.

3. The petitioner/accused in Spl.S.C.No.214 of 2023 was convicted by the Trial Court and sentenced to undergo **Five years** Rigorous Imprisonment with fine of Rs.10000/- for the offences u/s 9(f), 9(l), 9(m) r/w 10 of POCSO Act and in default of pay of fine, to undergo simple imprisonment for six months. Aggrieved by the same, the petitioner/accused filed Crl.A.No.1550 of 2024 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel for the petitioner would submit that the conviction is based on the sole testimony of the victim; that the petitioner has raised several arguable points in the above appeal; that during trial the petitioner was in custody for three months and is now in custody from 18.11.2024 and prayed for suspension of sentence.



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5. Heard the learned Govt. Advocate (crl.side) and perused the counter affidavit filed by the State.

6. Considering the fact that the petitioner has raised substantial grounds in the above appeal which requires consideration ; that the appeal is not likely to be taken up in the near future and the fact that the petitioner is in custody from 18.11.2024 and was in custody during trial for a period of three months, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

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

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Special Court for the exclusive trial of POCSO Act cases, Dharmapuri District ;
- (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; and



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(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.

10.01.2025

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Issue order copy by 13.01.2025
Upload the order copy forthwith.

To

1. The Special Court for the exclusive trial of POCSO Act cases,
Dharmapuri District.
2. The Inspector Of Police,
All Women Police Station, Pennagaram,
Dharmapuri District..
3. The Superintendent
Central Prison,
Salem.
4. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

rgt

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