



WEB COPY



Crl.M.P.No.343 of 2025 in Crl.A.No.54 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.343 of 2025
in Crl.A.No.54 of 2025

Sarath Kumar

... Petitioner

Vs

The State Rep By
The Inspector of Police,
Harur Police Station,
Dharmapuri.
(Cr.No.585/2017)

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023, to suspend the execution of the sentence passed in Special Sessions Case No.21 of 2023 dated 21.08.2024 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, at Dharmapuri, against the petitioner/appellant, pending disposal of the above appeal and enlarge the petitioner/appellant on bail.

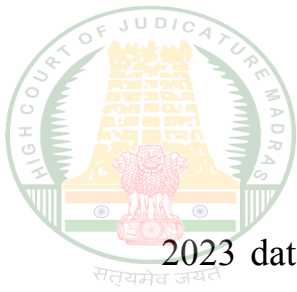
For Petitioner : Mr.Durai Gunasekaran

For Respondent : Mr.S.Raja Kumar

Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed in Special Sessions Case No.21 of



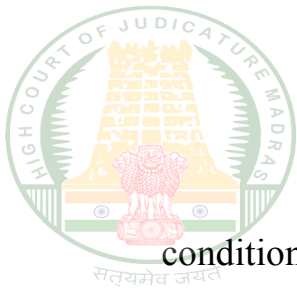
2023 dated 21.08.2024 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, at Dharmapuri, and enlarge the petitioner on bail.

2. The petitioner is an accused in Special Sessions Case No.21 of 2023 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, at Dharmapuri. He was found guilty for the offences punishable under Sections and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Sections 363 and 366 of IPC	to undergo three years rigorous imprisonment and to pay a fine of Rs.5000/-, in default to undergo six months simple imprisonment.
2.	Section 5(1) read with 6 of POCSO Act	to undergo ten years rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo six months simple imprisonment.

Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Appeal and the petitioner/accused have 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 by the



condition imposed by this Court.

WEB COPY

4. Heard the learned counsel appearing on either side and perused the materials placed on record.

5. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner, further 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.

6. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment imposed by the learned trial Judge is alone suspended and bail are granted on the following conditions:

(a) The petitioner/accused are ordered to be released on bail, on their executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each** with two sureties each for a like sum to the satisfaction of the Special Court for Exclusive Trial of Cases under POCSO Act, at Dharmapuri.



Crl.M.P.No.343 of 2025 in Crl.A.No.54 of 2025

WEB COPY

(b) The petitioner/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.

(c) The petitioner shall appear before the Trial Court 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, they 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.

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

25.06.2025

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
mn



Crl.M.P.No.343 of 2025 in Crl.A.No.54 of 2025

WEB COPY

To

1. The Special Court for Exclusive Trial of Cases under POCSO Act,
at Dharmapuri.
2. The Superintendent of Prison,
Central Prison,
Salem.
3. The Inspector of Police,
Harur Police Station,
Dharmapuri.
4. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.M.P.No.343 of 2025 in Crl.A.No.54 of 2025

G.K.ILANTHIRAIYAN. J.

mn

Crl.M.P.No.343 of 2025
in Crl.A.No.54 of 2025

25.06.2025