



Crl.MP(MD) No.3912 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.3912 of 2025
in Crl.A(MD) No.644 of 2022

Prasanth

... Petitioner

Vs.

State represented by
The Inspector of Police,
Viruveedu Police Station,
Dindigul District.
[Crime No.122 of 2019]

... Respondent

Prayer: Petition filed under Section 430 of BNSS to suspend the sentence imposed against the petitioner in SplSC.No.73 of 2019 dated 10.09.2022 passed by the District and Sessions Judge (Mahila Fast Track Court), Dindigul and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.A.Balaji

For Respondent : Mr.A.S.Abdul Kalam Asad,
Government Advocate (Crl Side)

ORDER

The petitioner / sole accused in Spl.SC.No.73 of 2019 was found guilty, convicted by the Mahila Fast Track Court, Dindigul and sentenced to undergo 4 years rigorous imprisonment with fine of Rs.10,000/-, in default, to undergo six months simple imprisonment for the offence under Section 363 IPC and 20 years rigorous imprisonment with a fine of Rs.20,000/-, in default to undergo six months simple



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imprisonment for the offence under Section 5(j)(ii) r/w Section 6 of the POCSO Act.

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As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in CrI.A(MD) No.644 of 2022 along with this application to suspend the sentence imposed on him by the trial court.

2.The learned counsel appearing for the petitioner submits that as per the statement of the victim child, she had love affair with the petitioner and she voluntarily went along with petitioner to various places and stayed at Ooty. The learned Counsel relies on the wound certificate, evidence of the Doctor and the victim and submits that the victim had voluntarily gone along with the petitioner. The petitioner and the victim had married without knowing the consequences. According to him, the petitioner is in jail from the date of conviction, ie., 10.09.2022.

3.The learned Government Advocate appearing for the respondent submits that at the time of occurrence, the victim was 15 years and the petitioner was 26 years old and the petitioner knowing well that the victim is a minor, induced her, taken to various places and had physical relationship.

4.This Court considered the rival submissions made and perused the material placed on record.

5.The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken



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up for final hearing for want of time. Considering the points raised by the petitioner
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and for the reason that the appeal could not be taken up immediately and the petitioner's period of incarceration, this Court is inclined to allow this petition.

6. Accordingly this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Fast Track Court, Dindigul. The petitioner shall file an affidavit before the respondent police and the trial Court that pending this appeal, he will not visit the occurrence place and disturb the victim. The petitioner shall stay at Tiruppur and report before Tiruppur North Police Station daily at 10.30 am pending disposal of the appeal.

sd/-
24/03/2025

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25/03/2025

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK
TO

1 THE SESSIONS JUDGE
MAHILA FAST TRACK COURT, DINDIGUL.



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2 THE INSPECTOR OF POLICE,
VIRUVEEDU POLICE STATION,
DINDIGUL DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION, TIRUPPUR.

ORDER
IN
CRL MP(MD) No.3912 of 2025
in CrI.A(MD) No.644 of 2022
Date :24/03/2025

SS/SAR- /25/03/2025/ 4P/6C

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