



Crl.MP(MD) No.5516 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.5516 of 2024
in Crl.A(MD) No.476 of 2024

Anbu @ Anbarasan

... Petitioner

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Virudhunagar District.
[Crime No.13 of 2019]

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS to suspend the sentence imposed on the petitioner by order dated 18.04.2023 passed in SplSC.No.184 of 2022 on the file of the Special Court of POCSO Act Cases, Srivilliputhur, Virudhunagar District pending disposal of the above criminal appeal.

For Petitioner : Dr.R.Alagumani
For Respondent : Mr.P.Kottaichamy,
Government Advocate

ORDER

The petitioner / sole accused in Spl.CC.No.184 of 2022 was found guilty by the Special Court for Exclusive Trial of Cases under the POCSO Act, Virudhunagar for the offence under Section 6 of the POCSO Act, convicted and sentenced to undergo 10 years rigorous imprisonment with fine of Rs.1,000/-, in default, to undergo six months simple imprisonment. As against the conviction and sentence imposed by the



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trial Court, the petitioner has filed an appeal in Crl.A(MD) No.476 of 2024 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 the petitioner's name was not mentioned in the first information report and also in the statement recorded under Section 164 CrPC by the learned Judicial Magistrate on 12.12.2019. This petitioner has been implicated as accused only on 04.03.2020 by recording further statement under Section 164 CrPC. The learned Counsel further submits that the petitioner is in jail for the past 2 ½ years.

3.The learned Government Advocate appearing for the respondent submits that in the statement recorded under Section 164 CrPC on 12.12.2019 the victim has pointed towards her relative. The petitioner was subjected for medical examination and she was found pregnant. Thereafter the victim disclosed that she had affairs with the petitioner. Therefore further statement was recorded on 04.03.2020. Thereafter DNA test was conducted and it matched with the DNA of the petitioner.

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 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
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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 Special Court for Exclusive Trial of Cases under the POCSO Act, Virudhunagar. The petitioner shall report before the trial Court on the first working day of every month at 10.30 am.

sd/-
21/03/2025

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24/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK

TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER THE POCSO ACT, VIRUDHUNAGAR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

<https://www.mhc.tn.gov.in/judis>



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

ORDER
IN
CrI.MP(MD) No.5516 of 2024
in CrI.A(MD) No.476 of 2024
Date :21/03/2025

SA/SAR. /24.03.2025/4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.