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CrI.M.P.No.2844 of 2023 in CrI.A.No.189 of 20--

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 28.02.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE V.SIVAGNANAM**

**CrI.M.P.No.2844 of 2023**

**in**

**CrI.A.No.189 of 2023**

S. Sridhar

... Petitioner

/vs/

The Inspector of Police,  
Panrutti All Women Police Station,  
Cuddalore District.  
(Crime No.17 of 2019)

.. Respondent

**Prayer :** Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the execution of the sentence against the petitioner/accused by the Spl.S.C.No.101 of 2019 on the file of learned Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore, dated 24.01.2023 and enlarge the petitioner on bail, pending disposal of the appeal.

For Petitioner ... Mr. P. Muthamizh Selvakumar

For Respondent ... Mr.C.E.Pratap, GA (crl.side)

**ORDER**

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner in Spl.S.C.No.101 of 2019 on the file of Special Court for Exclusive Trial of Cases under POCSO Act,



Cuddalore, dated 24.01.2023 and release the petitioner on bail, pending disposal of the above appeal.

2. The petitioner, who is A1 in Spl.S.C.No.101 of 2023 is convicted and sentenced by the trial court, by its judgment dated 24.01.2023 as follows;

<b><i>Petitioner's Rank</i></b>	<b><i>Provision under which convicted</i></b>	<b><i>Sentence</i></b>
A1	U/s.5(1), 6 of POCSO Act, 2012 r/w.376(3) of IPC.	To undergo 20 years RI and a fine of Rs.2,000/-, in default in payment of fine, to undergo 3 months SI  Acquitted from the charges framed under sections 294(b), 506(i) IPC.

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner/A1 in Spl.S.C.No.101 of 2019, the petitioner has filed the present criminal appeal, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. The learned counsel for the petitioner submitted that the judgment of the trial court is contrary to law, weight of evidence and probabilities of the case. The victim girl is aged about 18 years and the accused is aged 23 years



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and at the time of occurrence, the victim girl and the petitioner were having love affair with each other and the petitioner was prosecuted based on the complaint given by the mother of the victim girl, which ended in conviction and sentence on the petitioner. He further submitted that there are arguable points in this appeal and the petitioner has every chance to succeed in this Criminal appeal and the petitioner is now confined in prison. Thus, he prayed for suspension of sentence till the disposal of this Criminal appeal Petition.

5. The learned Govt. Advocate (crl.side) conceded that the victim girl deposed before the Court that she had love affair with the accused .

6. Heard both sides and perused the impugned judgment and also the entire material evidence available on record.

7. On perusal of records, it is revealed that the victim girl is aged 18 years and the petitioner is aged 23 years respectively and at the time of alleged occurrence, both of them loved each other and the complaint has been lodged by the mother of the victim girl, pursuant to which, a case was registered against the petitioner. The petitioner has raised substantial



grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future and the petitioner has been in judicial custody. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

8. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore.
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;
- (iii) The petitioner shall appear before the trial Court as and when required.

28.02.2023

msr



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To

- 1.The Special Court for Exclusive Trial of Cases  
under POCSO Act, Cuddalore.
2. The Inspector of Police,  
Panrutti All Women Police Station,  
Cuddalore District.
3. The Public Prosecutor, High Court, Madras.
4. The Superintendent, Central Prison,  
Cuddalore.



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**V.SIVAGNANAM, J.**

msr

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