

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.: CrI.A.No.467 of 2022

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
14.	12.03.2026	<u>BVLNC, J</u> <u>I.A.No.1 of 2026</u> Heard Sri B. Parameswara Rao, learned counsel for the petitioner/appellant/accused, and the learned Additional Public Prosecutor appearing for the respondent–State. 2. The petitioner/appellant is the accused in POCSO S.C. No. 198 of 2021 on the file of the learned Special Judge for Speedy Trial of Offences under the Protection of Children from Sexual Offences Act, (POCSO Act), Vizianagaram. 3. The petitioner/appellant was found guilty of the offences punishable under Sections 376(2)(f)(n), 376(3) read with 511 IPC, 506 Part II IPC, and Section 10 read with Section 9 of the POCSO Act, 2012, and accordingly convicted under Section 235(2) Cr.P.C. 4. The petitioner/appellant was sentenced to undergo rigorous imprisonment for a period	

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		of ten (10) years and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only) and, in default of payment of fine, to suffer simple imprisonment for a period of one (01) year for the offence under Sections 376(2)(f)(n) and 376(3) read with 511 IPC. 5. The petitioner/appellant was sentenced to undergo rigorous imprisonment for a period of seven (07) years and to pay a fine of Rs.5,000/- (Rupees Five Thousand only) and, in default of payment of fine, to suffer simple imprisonment for a period of six (06) months for the offence under Section 506 Part II IPC. 6. The petitioner/appellant was sentenced to undergo rigorous imprisonment for a period of seven (07) years and to pay a fine of Rs.5,000/- (Rupees Five Thousand only) and, in default of payment of fine, to suffer simple imprisonment for a period of six (06) months for the offence under Section 10 read with Section 9 of the POCSO Act. 7. Learned counsel for the petitioner/appellant would submit that the petitioner/appellant has already undergone imprisonment for more than four and a half years. He would further submit that the learned trial Court erroneously convicted the	

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		petitioner/appellant without properly appreciating the facts and evidence on record. Hence, the petitioner/appellant preferred the present appeal challenging the judgment of the learned trial Court on various grounds. 8. He would submit that the sentence imposed by the learned trial Court is a fixed sentence of ten (10) years; that there are fair chances of success in the appeal; and that there is no likelihood of the appeal being taken up for hearing in the near future. He would also submit that the petitioner/appellant is presently lodged in Central Prison, Visakhapatnam. 9. He would further submit that the appeal may take considerable time for hearing and, considering the circumstances of the case, the petitioner/appellant may be released on bail by suspending the sentence of imprisonment imposed by the learned trial Court. 10. The learned Additional Public Prosecutor opposed the application; however, no written objections have been filed. He placed on record the nominal rolls of the petitioner/appellant and submitted that the	

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		petitioner/appellant has undergone imprisonment for 4 years, 8 months, and 27 days. 11. Considering the above facts and circumstances, particularly the fact that the sentence imposed is a fixed term of ten (10) years, that the petitioner/appellant has already served 50% of the sentence imposed by the learned trial Court, and that there is no likelihood of the appeal being taken up for hearing in the near future, this Court is of the considered opinion that <i>“the order of sentence of imprisonment alone imposed by the learned Special Judge for Speedy Trial of Offences under the Protection of Children from Sexual Offences Act (POCSO Act), Vizianagaram, vide judgment dated 24.05.2022 passed in POCSO S.C. No. 198 of 2021 against the petitioner/appellant/accused, shall be suspended during the pendency of the appeal, subject to the following conditions”</i>: i) The petitioner/appellant shall be enlarged on bail upon executing a personal bond for Rs.25,000/- (Rupees Twenty-Five Thousand only) with two (02) sureties, each for a like sum, to the	

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		satisfaction of the learned trial Court. ii) Upon such release, the petitioner/appellant shall appear before the learned trial Court on every fourth Saturday of the month until disposal of the appeal. iii) The petitioner/appellant shall pay the fine amount within four (04) weeks from the date of this order before the learned trial Court, if not paid, and file receipt before this Court. iv) The petitioner/appellant shall not leave the country without prior permission of the Court. v) The petitioner/appellant shall not intimidate or annoy or contact the victim or her family members in any manner. vi) In the event of violation of any of the above conditions, the prosecution is at liberty to file an application seeking cancellation of bail. 12. Accordingly, the application is allowed. <u>BVLNC, J</u>	

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		<u>Crl.A.No.467 of 2022</u> For hearing, list the matter in the last week of April, 2026. BVLNC, J cbn	