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CRL MP No. 1253 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-08-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**CRL MP No. 1253 of 2025
in CRL A No. 124 of 2025**

Manikandan
S/o. Subramanian,
Ambedkar Street, Parathur South,
Chidambaram Taluk, Cuddalore District

..Petitioner(s)

Vs

State Represented By,
Deputy Superintendent Of Police.
Sethiathoppu Division,
Orathur Police Station.
(Crime No. 32 of 2018)

..Respondent(s)

Prayer: Criminal Miscellaneous Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhhita, 2023, praying to suspend the sentence imposed by the trial court made in SPL. SC No. 9 of 2019 on the file of the learned Special Judge (Special court for trial of cases under Protection of children from sexual offences act 2012) Cuddalore by its judgment dated 29.10.2024 and enlarge him on bail pending disposal of the above appeal.



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For Petitioner(s):

Mr. Shanmuga Velayudham,
Sr. Counsel
for Mr. R. T. Vijayaraaghavan

For Respondent(s):

Mr. C. R. Malarvannan,
Counsel for Government of Tamil Nadu
(Criminal Side)

Order

(Order of the Court was made by Sunder Mohan J.)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner *vide* judgement and order dated 29.10.2024 passed in S.C.No.9 of 2019 on the file of the learned Special Judge (Special court for trial of cases under Protection of Children from Sexual Offences Act, 2012), Cuddalore and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who is the sole accused in the above Sessions Case, was convicted by the trial Court for the offences under Sections 302 of the IPC and 6 of the POCSO Act, 2012, and sentenced as follows:

Offence under Section	Sentence imposed
302 IPC	To undergo life imprisonment and to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment for three years.



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6 POCSO Act, 2012	To undergo life imprisonment and to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment for three years.
The sentences were directed to run concurrently.	

3. Heard the learned senior counsel for the petitioner and the learned Counsel for the Government of Tamil Nadu (Crl.Side) appearing for the respondent/State.

4. (i) It is the case of prosecution that on 01.04.2018 at 8.30 p.m., with an intent to commit sexual assault the petitioner had lured the victim girl, aged about 16 years to go with him on a motorcycle; that the petitioner took her to a secluded place in an agricultural land; and that thereafter, committed penetrative sexual assault and strangled the deceased to death.

(ii) A case was registered for 'girl missing' initially on 02.04.2018 and thereafter, the case was altered to Sections 302, 404 and 201 of the IPC r/w 3 & 4 of POCSO Act, 2012. The petitioner was arrested and a final report was filed against him for the aforesaid offences.



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5. Mr. Shanmuga Velayudham, the learned senior counsel for the petitioner, would submit that the impugned judgment cannot be sustained; that there is no evidence to show that the deceased was subjected to penetrative sexual assault; and that there is no evidence to connect the petitioner in the crime of murder as well. He would further submit that the circumstances of motive and last seen together have not been established and that the medical opinion of the postmortem doctor [PW23] falsifies the prosecution case. He took us through the evidence of witnesses and prayed for grant of suspension of sentence to the petitioner.

6. Mr. C. R. Malarvannan, the learned counsel for Government of Tamil Nadu (Crl.Side) *per contra* would submit that though some of the witnesses turned hostile, PW15 to PW18 had last seen the deceased with the petitioner going on a motorcycle. Therefore, no *prima facie* case is made out for suspension of sentence and prayed for dismissal of the petition.



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7. Though it is seen from the evidence adduced on the side of the prosecution that the petitioner and the victim girl were known to each other and were seen together even before the date of occurrence, the prosecution had not established the motive for murder. The postmortem Doctor [PW23] in his opinion had stated that “no definite opinion regarding the cause of death could be ascertained due to the advanced stage of decomposition.” The Doctor also had noted as follows:

“Vaginal Smear and Cervical Swab: Semen or Spermatozoa was not detected in any of them.”

8. The circumstance of last seen together is spoken to by PW15 to PW18. PW16 in his cross-examination would state that he along with PW17 and PW18 were consuming liquor on the road side and from that place they could not see the bus stand and as to who alighted from the bus at the bus stand. Further, they had not informed about what they saw on 01.04.2018, till they were examined on 03.04.2018. Therefore, the version of these witnesses is doubtful. There are several missing links in the chain of circumstances and the petitioner has made out a case for suspension of sentence.



9. Further, the petitioner is in custody from 29.10.2024 and the appeal is not likely to be taken up in the near future. Therefore, considering all the above facts, we are inclined to grant the relief of suspension of sentence to the petitioner herein.

10. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two independent sureties, each for a like sum to the satisfaction of the learned Special Judge (Special court for trial of cases under Protection of Children from Sexual Offences Act 2012), Cuddalore.
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if they are not able to appear



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before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

(A.S.M.,J.) (S.M.,J.)
24-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Issue Order copy today.

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To

1. The Special Judge
(Special court for trial of cases under POCSO Act, 2012),
Cuddalore.

2. Deputy Superintendent Of Police.
Sethiathoppu Division,
Orathur Police Station.

3. The Superintendent of Prisons,
Central Prison, Cuddalore.

4. The Public Prosecutor,
High Court, Madras.



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