



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

**Crl.M.P.No.7027 of 2026
in Crl.A.No.478 of 2026**

Sivaraj
S/o. Veerappan,
Pudhu Colony,
Periya Sevalai,
Ulundurpet,
Kallakurichi District.

..Petitioner

Vs.

The State Rep. By its
The Station House Officer
All Women Police Station,
Ulundurpet.
Crime No.1 of 2017.

..Respondent

This Criminal Miscellaneous Petition has been filed under Section 389(1) of Cr.P.C / 430 of BNSS praying to set aside the conviction and sentence against the appellant in S.C.No.25 of 2018 on the file of the Learned Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court), Villupuram dated 10.04.2026 and allow this appeal and enlarge on bail.

For Petitioner : Mr.S.Saravanan Kumar
For Respondent : Mr.S.Udayakumar,
Government Advocate (Crl.Side)



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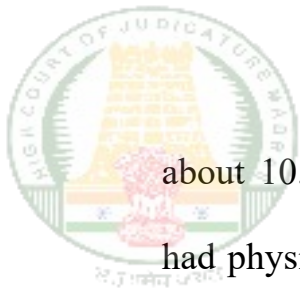
ORDER

This Criminal Miscellaneous Petition has been filed by the Petitioner/Appellant seeking to suspend the sentence imposed on him by the learned Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court), Villupuram vide Judgment dated 10.04.2026 in S.C.No.25 of 2018 and enlarge him on bail pending disposal of the Criminal Appeal.

2. The conviction and sentence imposed on the Petitioner/Appellant are as follows:

Convicted for Offence	Sentence
Under Section 376 of IPC	To undergo 10 years rigorous imprisonment and to pay a fine of Rs.25,000/-, in default, to undergo 6 months simple imprisonment.
Under Section 417 of IPC	To undergo 1 year rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo 4 months simple imprisonment.
The substantive sentences of rigorous imprisonment were ordered to run concurrently and the sentences of default were ordered to run consecutively.	

3. The case of the prosecution is that one Vanmathi (victim) was residing at Periya Sevalai Village, Ulundurpet Taluk. The Petitioner/Appellant also belongs to the same village. The victim and Petitioner/Appellant are known to each other and they were in love affair for nearly 7 years. On 10.11.2016, at



about 10.00 a.m., when the victim was at her house, the Petitioner/Appellant had physical relationship with the victim on false promise that he would marry her. However, thereafter, the Petitioner/Appellant started to avoid the victim.

When the victim asked the Petitioner/Appellant as to why he is avoiding her, the Petitioner/Appellant replied her that he was about to marry another woman and thus, he could not marry her. That apart, Petitioner/Appellant scolded the victim in filthy language and pushed her down by pulling her hair and kicked on her stomach and tore her dress. Hence, the victim lodged a police complaint dated 10.11.2016 against the Petitioner/Appellant. Based on the complaint of the Petitioner/Appellant, the Respondent Police registered a case in Crime No.01 of 2017 under Sections 147, 417, 376, 294(b), 354 & 506(i) of IPC against the Petitioner/Appellant and took up the case for investigation. After the completion of investigation, the Respondent Police filed the Final Report as against the Petitioner/Appellant for the offences under Sections 376, 417, 294(b), 4 of TNPWH Act and Sections 354 & 506(i) of IPC.

4. When the matter was taken up for trial, the Petitioner/Appellant denied the charges framed against him. During trial, on the side of prosecution, 8 witnesses viz., P.W.1 to P.W.8 were examined and 11 documents viz., Exs.P1 to P11 were marked and on the side of defence, one witness viz., D.W.1 was examined and 2 documents viz., Exs.D1 to D2 were marked.



5. The learned counsel for Petitioner/Appellant submitted that it is a case of consensual sexual relationship between the Petitioner/Appellant and victim for a period of 7 years, which has been falsely projected as a case of rape and cheating.

5.1. It is further submitted by the learned counsel for the Petitioner/Appellant that there are arguable points available in the Criminal Appeal which is not likely to be taken up for final hearing in the near future and the Petitioner/Appellant has a fair chance of succeeding in the Criminal Appeal.

5.2. The learned counsel for the Petitioner/Appellant also submitted that during trial, the Petitioner/Appellant was granted bail and he had not misused the liberty granted to him while he was on bail. The Petitioner/Appellant has been under the judicial custody since 10.04.2026. Therefore, the sentence imposed on the Petitioner/Appellant may be suspended and he may be enlarged on bail.

6. *Per Contra*, the learned Government Advocate (Crl.Side) appearing on behalf of the Respondent Police submitted that the Petitioner/Appellant was in relationship with the victim for 7 years on false promise that he would marry her and later, reneged. Therefore, the learned Government Advocate (Crl.Side)



submitted that he has serious objection for suspending the sentence imposed on the Petitioner/Appellant.

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7. Heard the learned counsel on either side and perused the materials available on record.

8. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side and also, taking note of the period of incarceration undergone by the Petitioner/Appellant, this Court is inclined to grant the reliefs of suspension of sentence and bail to the Petitioner/Appellant, till the disposal of the Criminal Appeal, on certain conditions.

9. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are granted to the Petitioner/Appellant, subject to the following conditions:

(i) The Petitioner/Appellant shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court), Villupuram;

(ii) The sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may



obtain a copy of their Aadhaar Card or Bank Pass Book to ensure their identities;

(iii) The Petitioner/Appellant shall appear before the trial Court on the first working day of every English calendar month at 10.30 a.m., until further orders.

10. This Criminal Miscellaneous Petition is ordered on the above conditions.

24-04-2026

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

mrr

To

- 1.The Sessions Judge,
Magalir Neethimandram (Fast Track Mahila Court),
Villupuram.
- 2.The Station House Officer
All Women Police Station,
Ulundurpet.
- 3.The Superintendent,
Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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