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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 20-11-2025**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CrI.M.P.No. 6526 of 2023 in CRL A No. 534 of 2023**

1. GUNASEKARAN

S/o. Mannar, Pagayathotta Street,  
Devikapuram Village, Chetpet Taluk,  
Tiruvannamalai District.

Appellant(s)

Vs

1. The State Through

Inspector Of Police, All Woman Police  
Station, Porur, Tiruvannamalai District.  
Cr.No.6/2016.

Respondent(s)

PRAYER: To suspend the sentence imposed on the petitioner by the Special Court ( POCSO Tiruvannamalai District in Special Sessions Case No.24 of 2019 dated 24.11.2022 and enlarge the petitioner on bail

For Appellant(s): M/s. D.Nellaiappan  
A.Haja Mohideen  
N.Deivanayagam

For Respondent(s): Mr.V. Meganathan, Govt  
Advocate  
Counter Filed  
Addl Typed Set Filed

**ORDER**

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This Criminal Miscellaneous Petition has been filed by the petitioner, to suspend the sentence imposed on the petitioner by the Special Court ( POCSO Tiruvannamalai District in Special Sessions Case No.24 of 2019 dated 24.11.2022 and enlarge the petitioner on bail.

2. The petitioner herein is the accused in Special Sessions Case No.24 of 2019 on the file of the Special Court ( POCSO Tiruvannamalai District. He was convicted and sentenced to undergo Rigorous imprisonment for 20 years with a fine of Rs.5,000/- in default to undergo Rigorous imprisonment for on year for the offence under Section 5(m) r/w 6 of POCSO Act, 2012 imposed by the Special Court ( pOCSO) Thiruvannamalai District, against which, the present appeal has been filed.

3.The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal appeal and the petitioner/accused has got a fair chance of succeeding in the Criminal appeal and hence, the substantive sentence imposed against the petitioner/accused may be suspended.



He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner, further this Criminal appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five thousand only), to the credit of Special Sessions Case No.24 of 2019 before the Special Court ( POCSO Tiruvannamalai District), without prejudice his defence, within a period of three weeks from the date of receipt of a copy of this order.

(a) the petitioner/accused is ordered to be released on bail, on executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, in which one surety must be a



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blood related surety, each for a like sum to the satisfaction of the learned Special Court ( POCSO) Tiruvannamalai District

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner shall appear before the Trial Court on every Tuesday at 10.30 a.m., until the disposal of the Criminal Appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 355 of BNSS, 2023. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

(d) the defacto complainant is permitted to withdraw the amount, deposited by the petitioner, in Special Sessions Case No.24 of 2019 before the Special Court ( POCSO Tiruvannamalai District, on proper identification, in the manner known to law.

5. With the above directions, this Criminal Miscellaneous Petition is ordered.



6. Considering the fact of the case and the mental agony suffered by the victim family, this Court is inclined to refer the matter under the Victim Compensation Scheme. Accordingly, the District Legal Services Authority, Tiruvannamalai District is directed to refer the matter to the District Collector under the said Scheme.

8. The District Collector is directed to verify whether the compensation amount of Rs.4,00,000/- awarded by the Lower Court was paid to the victim girl or not, if not paid the compensation should be paid within a period of three weeks from the date of receipt of a copy of this order.

**11-11-2025**

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To.

1. The Inspector Of Police, All Woman Police Station, Porur, Tiruvannamalai District.
2. The learned Special Court ( POCSO Tiruvannamalai District
3. The Superintendent Central prison, Vellore.
4. The District Legal Services Authority, Tiruvannamalai District
5. The Public Prosecutor, High Court Madras.



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**T.V.THAMILSELVI, J.**

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