



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.No.405 of 2025
in Crl.A.No.777 of 2024**

Vijayan

...Petitioner

Versus

The State Rep. By
The Inspector of Police,
All Women Police Station,
Ariyalur,
Ariyalur District.
(Crime No.35/2021)

...Respondent

Prayer:

This Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C r/w. Section 430(1) of BNSS, 2023 praying to suspend the sentence of imprisonment imposed in the judgment dated 22.01.2024 passed by the Sessions Judge, Fast Track Mahila Court at Ariyalur in Spl.S.C.No.63 of 2021 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner	:	Mr.E.Balamurugan
For Respondent	:	Mr.V.Meganathan, Government Advocate (Crl.Side)



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner seeking to suspend the sentence imposed on him by the learned Sessions Judge, Fast Track Mahila Court, Ariyalur vide Judgment dated 22.01.2024 in Spl.S.C.No.63 of 2021 and enlarge him on bail pending disposal of the Criminal Appeal.

2. The petitioner is an accused in Spl.S.C.No.63 of 2021 on the file of Fast Track Mahila Court, Ariyalur. The petitioner/accused was found guilty of the offence under Section 4 of POCSO Act, 2012. Therefore, the trial Court vide Judgment dated 22.01.2024 in Spl.S.C.No.63 of 2021, convicted the petitioner/accused and sentenced him to undergo rigorous imprisonment for a period of 14 years and to pay a fine of Rs.10,000/-, in default, to undergo 1 year simple imprisonment. Aggrieved by the said conviction and sentence, petitioner/accused has preferred the present Criminal Appeal.



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3. The learned counsel for the petitioner/accused submitted that the trial Court failed to note that petitioner/accused is a known person to the victim girl. The victim girl had lodged a false complaint to the respondent Police stating that petitioner/accused had committed penetrative sexual assault on her.

3.1. It is further submitted by the learned counsel for petitioner/accused that petitioner/accused is a married man and he has two children. Since petitioner/accused has been under the judicial custody for more than 1 year 6 months, his family members are suffering a lot to eke out their livelihood.

3.2. The learned counsel for petitioner/accused also submitted that petitioner/accused has a fair chance of succeeding in the Criminal Appeal and he is ready to abide any condition to be imposed by this Court. Therefore, the learned counsel prayed that the substantive sentence imposed on the petitioner/accused may be suspended.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that petitioner/accused had sexual intercourse with the victim girl on force and threat which was also proved before the trial Court. Therefore, the learned Government Advocate (Crl.Side) submitted that he has serious objection for granting bail to petitioner/accused.

4.1. It is further submitted by the learned Government Advocate (Crl.Side) appearing for respondent Police submitted that now the victim girl is studying in an Engineering College and the compensation awarded to the victim girl has been disbursed to her.

5. Heard the learned counsel on both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsel for petitioner/accused coupled with the quantum of punishment imposed on



petitioner/accused and taking into consideration of the fact that the Criminal Appeal is likely to be taken up for final hearing in the near future, this Court is inclined to suspend the substantive sentence of imprisonment alone.

7. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(i) The sentence of imprisonment imposed on the petitioner/accused shall be suspended and the petitioner/accused shall be released on bail on condition that he shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a likesum to the satisfaction of the trial Court;

(ii) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the trial Court may obtain a copy of their Aadhaar Card or Bank Pass Book and their mobile numbers to ensure their identity;

(iii) The petitioner/accused shall appear before the respondent Police on every Tuesday at 10.30 a.m. and also, he shall appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., for a period of 5 months 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 his absence, as directed by the trial Court.

(iv) The petitioner/accused shall not have any communication with the victim girl and her family.

8. With the above directions, this Criminal Miscellaneous Petition is allowed.

12.11.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

Note: Registry is directed to list Crl.A.No.777 of 2024 for hearing in the 2nd week of February, 2026.

To

1.The Sessions Judge,
Fast Track Mahila Court,
Ariyalur.

2.The Inspector of Police,
All Women Police Station,
Ariyalur,
Ariyalur District.

3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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