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CRL MP No. 431 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 431 of 2024

AND

CRL A NO. 60 OF 2024

P.Saravanan

S/o. Perumal, 22, Chinnasamy 4th
Street, Pudhukadu, Nancha
Goundenpalayam, Gobi Taluk, Erode
District.

Petitioner(s)

Vs

The State Rep.By
The Inspector of Police, Nambiyur
Police Station, Erode District. In Crime
No.241/2022.

Respondent(s)

CRL MP No. 431 of 2024

PRAYER

To suspend the sentence imposed in Judgment and conviction passed in Spl.S.C.No.109/2022 dated 13.12.2023 on the file of the Learned Sessions Judge, Magalir Needhi Mandram, Fast Track Mahila Court, Erode.



For Petitioner(s): Mr.B.Mohan

For Respondent(s): Dr.C.E.Pratap,
Govt. Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Magalir Neethimandram, Fast Track Mahila Court, Erode, in Spl.S.C.No.109 of 2022 dated 13.12.2023 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.109 of 2022 on the file of the learned Sessions Judge, Magalir Neethimandram, Fast Track Mahila Court, Erode. He was found guilty of the offences under Section 9(c) punishable under Sec.10 of POCSO Act (10 counts) and he has been convicted and sentenced to undergo Rigorous Imprisonment for 7 years for each count and to pay a fine of Rs.1000/- for each count and in default of payment of fine, to undergo simple imprisonment for three months for each count. Aggrieved by the same, the petitioner had filed this appeal along with the present miscellaneous petition.



3. The learned counsel for the petitioner/accused would submit that he worked as a bus conductor and he has been falsely implicated in this case as if he had committed sexual assault to the victim girls, but in fact he has not committed any offence as alleged against him. He would submit that he is in custody from the date of judgment i.e. on 13.12.2023 for more than one year and ten months. He would also 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. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition and contended that while nearly about 10 victim girls were travelling in the bus to go to school, the petitioner, who is a driver of the bus attempted to commit sexual assault by touching one of victim girls on her back, pulled her hands and also winked eyes on her. Hence, he was implicated in this case and as on date, he is custody from the date of judgment i.e. on 13.12.2023 for more than one year and ten months. Further, he would contend that he has no bad antecedents and the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him,



interference of this Court is not necessary in the findings arrived at by the trial Court.

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5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. On perusal of records, it reveals that when victim girls travelling in a bus, the petitioner, who is conductor of bus, attempted to commit bad touch, however, on seeing facts, he is a married man and having family, due to his incarceration, his family is starving for their livelihood and he is in custody from the date of judgment i.e. on 13.12.2023 for more than one year and six months and he has no bad antecedents. Considering that and 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 and the learned Government Advocate (Crl. Side) appearing for the respondent police, 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.



7. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment imposed by the learned trial Judge is alone suspended and bail are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on his executing a separate bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Sessions Judge, Magalir Neethimandram, Fast Track Mahila Court, Erode.**

(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 respondent police on every Saturday at 10.30 a.m. for the period of three months and he shall also appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Appeal and he shall not have any communication with the victim girl and her family 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 317**



Cr.P.C. 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.

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

9. Post the matter on 03.02.2026.

05-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Sessions Judge, Magalir Neethimandram, Fast Track Mahila Court, Erode.
2. The Inspector of Police, Nambiyur Police Station, Erode Dt.
3. The Superintendent of Prison, Central Prison, Coimbatore.
4. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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