



Crl.M.P.No.5954 of 2024
in Crl.A.No.386 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Crl.M.P.No.5954 of 2024
in Crl.A.No.386 of 2024

Vinoth
S/o.Thirusenthil
No.1/603, Rajiv Gandhi Nagar, Chettipalayam
Malumichampatti, Coimbatore.

Petitioner(s)/Accused

Vs

The State represented by its
The Deputy Superintendent of Police
Pollachi Sub-Division, Coimbatore District
AWPS, Pollachi East Police Station
Crime No.26 of 2013

Respondent(s)/Complainant

Civil Miscellaneous Petition filed under Section 389(1) Cr.P.C., to
suspend the sentence imposed on the petitioner by judgment dated
13.04.2023 passed in S.C.No.117 of 2015 on the file of the Sessions Court,



Crl.M.P.No.5954 of 2024
in Crl.A.No.386 of 2024

Mahila Court/Additional Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore and to enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner(s) : Mr.B.Karthik

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneem

ORDER

(Made by N.Sathish Kumar, J.)

This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment dated 13.04.2023 passed in S.C.No.117 of 2015 on the file of the Sessions Court, Mahila Court/Additional Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore and to enlarge him on bail pending disposal of the above appeal.

2. The petitioner, who was the accused in S.C.No.117 of 2015 before the Sessions Court, Mahila Court/Additional Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore, was convicted and sentenced as follows:



Crl.M.P.No.5954 of 2024
in Crl.A.No.386 of 2024

<i>Provision under which convicted</i>	<i>Sentence</i>
Section 364 IPC	Ten years rigorous imprisonment and fine of Rs.500/-, in default to undergo one year simple imprisonment.
Section 302 IPC	Life imprisonment and fine of Rs.500/-, in default to undergo one year simple imprisonment.
Section 404 IPC	Two years rigorous imprisonment and fine of Rs.500/-, in default to undergo three months simple imprisonment.
Section 201 IPC	Ten years rigorous imprisonment and fine of Rs.500/-, in default to undergo one year simple imprisonment.
The aforesaid sentences were ordered to run concurrently.	

3. Challenging the above conviction and sentence, the petitioner has filed Crl.A.No.386 of 2024 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel appearing for the petitioner would submit that the entire case is based on the circumstantial evidence and none of the circumstances were established by the prosecution. It is his further submission that the petitioner is in judicial custody from 13.04.2023. Stating so, he prayed for the grant of suspension of sentence and bail to the petitioner.



Crl.M.P.No.5954 of 2024
in Crl.A.No.386 of 2024

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5. The learned Additional Public Prosecutor appearing for the respondent/police has filed a counter affidavit and opposed for the grant of suspension of sentence and bail to the petitioner.

6. On considering the rival submissions and perusing the entire materials available on record, we are of the view that the petitioner has made out a *prima facie* case for suspending the sentence.

7. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner is in incarceration. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

8. Accordingly, this criminal miscellaneous petition is allowed and the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:



CrI.M.P.No.5954 of 2024
in CrI.A.No.386 of 2024

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- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, each for a like sum to the satisfaction of the Sessions Court, Mahila Court/Additional Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore;
- (ii) 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 to ensure their identity;
- (iii) The petitioner shall appear before the respondent/police on every Monday at 10.30 a.m. until the disposal of the 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 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; and
- (iv) On breach of any of the aforesaid conditions, the learned Sessions Judge is entitled to take appropriate action against the petitioner in accordance with law as if the conditions



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CrI.M.P.No.5954 of 2024
in CrI.A.No.386 of 2024

have been imposed and the petitioner released on bail by the learned Sessions Judge himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

(N.S.K., J.) (M.J.R., J.)
19.11.2025

nsd



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Crl.M.P.No.5954 of 2024
in Crl.A.No.386 of 2024

To

1.The Sessions Judge, Mahila Court/Additional
Special Court for Exclusive Trial of Cases under
POCSO Act, Coimbatore.

2.The Deputy Superintendent of Police
Pollachi Sub-Division, Coimbatore District
AWPS, Pollachi East Police Station

3.The Superintendent, Central Prison, Coimbatore.

4.The Public Prosecutor, Madras High Court,
Chennai – 600 104.



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Crl.M.P.No.5954 of 2024
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N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.

nsd

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