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CRL MP No. 5510 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 5510 of 2025

IN

CRL A NO. 291 OF 2025

1. Anbuselvan @ Kamal @ Bulk
S/o. Murugan, No.17, Colony Theru,
Keezhakasakudy, Kottucherry.

Petitioner(s)

Vs

1. Union Of Pondicherry Rep.By, The
Inspector Of Police,
Nedungadu Police Station, Karaikal,
Cr.No.19/2023.

Respondent(s)

CRL MP No. 5510 of 2025

PRAYER

To suspend the sentence of 3 years rigorous imprisonment for an offences u/s. 8 of protection of Children from Sexual Offences Act, 2012 by the Special Judge (under the POCSO Act, 2012) at Karaikal in SC.No.4/2023 on 24th February 2024 enlarge the petitioner on bail pending disposal of the Criminal Appeal.

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For Petitioner(s): S.P.Vijayaragavan



S. Santhosh Kumar
G.Thanigaivel

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For Respondent(s): Public Prosecutor (pondicherry)

ORDER

This petition has been filed to suspend the sentence of 3 years rigorous imprisonment for an offences u/s. 8 of protection of Children from Sexual Offences Act, 2012 by the Special Judge (under the POCSO Act, 2012) at Karaikal in SC.No.4/2023 on 24th February 2024 enlarge the petitioner on bail pending disposal of the Criminal Appeal.

2. The petitioner herein is accused in SC.No.4/2023 on the file of the Special Judge (under the POCSO Act, 2012) at Karaikal. He found guilty for the offence under u/s. 8 of protection of Children from Sexual Offences Act, 2012 and convicted and sentenced to undergo Rigorous Imprisonment for 3 years for the offence punishable under Section 8 of POCSO Act and to pay a fine of Rs.10,000/- in default, to undergo 4 weeks simple imprisonment. Aggrieved over the same, the appellant filed the appeal and seeks to suspend the sentence.

3. The learned counsel for the petitioner submits that the petitioner is aged about 23 years, who was staying upstairs to the victim girl's house due to



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land dispute the petitioner was falsely implicated in this case with previous motive and that there are arguable points available in the Criminal Appeal and the petitioner/accused have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioners/accused may be suspended. He would submit that the petitioners are 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 stating that the petitioner sexually abused the victim girl and thereafter father of the complaint lodged a complaint. Further, he would contend that 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.

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

6. As per the petitioner's counsel, the petitioner was residing upstairs to the victim's house and there was property dispute between their families. As



on date, the petitioner vacated from the house and he live with little children.

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 their executing a separate bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Special Judge (under the POCSO Act, 2012) at Karaikal. Further, the petitioner shall not have any communication with the victim girl.

(b) The petitioners/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.

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(c) The petitioner shall appear before respondent police on every Saturday at 10.30 a.m, till the disposal of this appeal.

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

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Special Judge (under the POCSO Act, 2012), Karaikal.
2. The Central Prison, Pondicherry.
3. The Public prosecutor, High Court, Madras.
4. The Inspector Of Police,
Nedungadu Police Station, Karaikal.



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T.V.THAMILSELVI J.
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