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*Crl.M.P.No. 10443 of 2025
in Crl.A.No. 567 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No. 10443 of 2025
in Crl.A.No. 567 of 2025

1. Dhanraj
2. Deepa

.... Petitioners

Vs

The State Rep. by its
The Inspector of Police,
Arumbavoor police station
Perambalur District
(Crime No.8 of 2020)

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 (1) of Bharatiya Nagarik Suraksha Sanhita 2023, to suspend the sentence imposed by the learned Sessions Judge, Mahila Court, Perambalur, vide order dated 04.01.2025 in S.C.No.28 of 2020 and enlarge the petitioners on bail pending disposal of the above criminal appeal.

For Petitioners : Mr.E.C.Ramesh
For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of sentence imposed by the learned

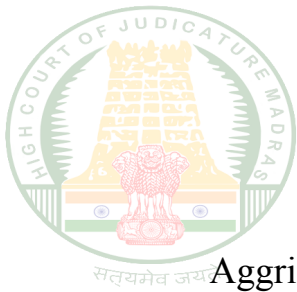


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Sessions Judge, Mahila Court, Perambalur, in S.C.No.28 of 2020 dated 04.01.2025 and enlarge the petitioners on bail pending disposal of the above appeal.

2. The petitioners herein are the accused in S.C.No.28 of 2020 on the file of the learned Sessions Judge, Mahila Court, Perambalur. They were found guilty of the offences under Sections 323 of IPC and Sections 7, 8, 16 & 17 of the POCSO Act and they have been convicted and sentenced as under:

Rank of the accused	Conviction under Section	Sentence awarded
A1	Section 323 of IPC	To undergo one year Rigorous imprisonment and to pay a fine of Rs.1,000/- in default of payment of fine, six months simple imprisonment.
	Section 7 and 8 of POCSO Act	To undergo five years Rigorous imprisonment and to pay a fine of Rs.10,000/- in default of payment of fine, six months simple imprisonment.
A2	Section 16 and 17 of PCOSO Act	To undergo five years Rigorous imprisonment and to pay a fine of Rs.10,000/- in default of payment of fine, six months rigorous imprisonment.



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Aggrieved by the same, the petitioners have filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioners/accused would submit that there are arguable points available in the Criminal Appeal and the petitioners/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 Additional Public Prosecutor appearing for the respondent/State raised serious objection for allowing this petition. 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.



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6. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioners, also by considering the submissions of the learned counsel for the petitioners 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 petitioners/accused are 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 Sessions Judge, Mahila Court, Perambalur.

(b) The petitioners/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety



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bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioners shall 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 if there are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.

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

09.06.2025
(2/2)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.
Lpp

To

1. The Sessions Judge,
Mahila Court, Perambalur.

2. The Inspector of Police,
Arumbavoor police station
Perambalur District.

3. The Central Prison,
Trichy.

4. The Public Prosecutor,
Madras High Court,
Chennai.

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