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*Crl.M.P.No.10118 of 2025
in Crl.A.No.521 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.06.2025

CORAM:

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

Crl.M.P.No.10118 of 2025

in

Crl.A.No.521 of 2025

Murugan
S/o.Govindasamy
No.189,Pillayar Kovil Street,
palaya Malladi Village and Post,
Tiruvannamalai Taluk,
Tiruvannamalai District.

...Petitioner

Vs.

The State by its
The Inspector of Police,
Tiruvannamalai All Women PoliceStation,
Tiruvannamalai District.
(Crime No. 19 of 2022)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS Act, 2023 to suspend the execution of sentence imposed on the petitioner / appellant by the order of the learned Special Court for the Exclusive Trial of POCSO Act Cases, Tiruvannamalai in Special S.C.No.136 of 2022 dated 23.0.2025 pending disposal of the above appeal.



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For Petitioner : Mr.Sathiyaraj.E

For Respondent : Mr. S.Raja Kumar
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the execution of sentence imposed on the petitioner / appellant by the order of the learned Special Court for the Exclusive Trial of POCSO Act Cases, Tiruvannamalai in Special S.C.No.136 of 2022 dated 23.0.2025 pending disposal of the above appeal.

2. The petitioner herein is the accused in Special S.C.No.136 of 2022 on the file of the Special Court for the Exclusive Trial of POCSO Act Cases, Tiruvannamalai. He was found guilty and convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 354(A)(1)(i) IPC & Section 8 of POCSO Act	To undergo 5 years Rigorous Imprisonment and to pay fine of Rs.5,000/- in default to undergo simple imprisonment for one year

Aggrieved by the same, the Criminal Appeal along with the present miscellaneous petition has been filed.



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WEB COPY

3. The learned counsel for the petitioner/accused would 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 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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WEB COPY

6. 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 Additional Public Prosecutor 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 is 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 for a like sum to the satisfaction of the learned Special Court for the Exclusive Trial of POCSO Act Cases, Tiruvannamalai.

(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.



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WEB COPY

(c) The petitioner shall appear before the Trial Court daily at 10.30 a.m. for a period of thirty days and thereafter on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Appeal and if he is not able to appear before the trial Court on the said 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.

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

26.06.2025

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

To

1. The Judge, Special Court for the Exclusive Trial of POCSO Act Cases,
Tiruvannamalai

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

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

4. The Superintendent,
Central Prison,
Vellore.

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