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*Crl.M.P.No. 11921 of 2025
in Crl.A.No. 412 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2025

CORAM:

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

Crl.M.P.No. 11921 of 2025
in
Crl.A.No. 412 of 2025

Ananth @ Palani

.... Petitioner

Vs

State rep by Inspector of Police,
Tiruppur South All Women Police Station,
Tiruppur.
(Crime No.21 of 2022)

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of the Bhartiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the petitioner in Spl.S.C.No.13 of 2023 on the file of the Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur, dated 30.06.2024 and release the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.S.Raja Kumar
Government Advocate (Crl. Side)

ORDER



*Crl.M.P.No. 11921 of 2025
in Crl.A.No. 412 of 2025*

WEB COPY

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), Tiruppur, in Spl.S.C.No.13 of 2023 dated 30.05.2024, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.13 of 2023 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur. He was found guilty of the offence under Section 7 read with Section 8 of POCSO Act and he has been convicted and sentenced him to undergo three years Rigorous imprisonment and to pay a fine of Rs.2,000/- in default, to undergo simple imprisonment for a period of three months. Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit 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



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in Crl.A.No. 412 of 2025*

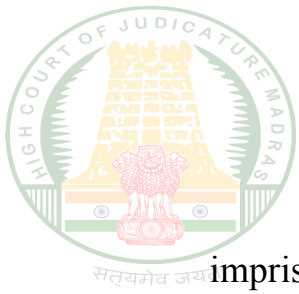
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petitioner/accused may be suspended. He would submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition. 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. 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



*Crl.M.P.No. 11921 of 2025
in Crl.A.No. 412 of 2025*

WEB COPY

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 are ordered to be released on bail, on their executing a 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, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur.

(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 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 his absence, as directed by the trial Court.

8. With the above directions, this Criminal Miscellaneous Petition



*Crl.M.P.No. 11921 of 2025
in Crl.A.No. 412 of 2025*

is ordered.

WEB COPY

24.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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WEB COPY



*Crl.M.P.No. 11921 of 2025
in Crl.A.No. 412 of 2025*

G.K.ILANTHIRAIYAN, J.

To

1. The Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court),
Tiruppur,

2. The Superintendent,
Central Prison,
Coimbatore.

3. The Inspector of Police,
Tiruppur South All Women Police Station,
Tiruppur.

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

Crl.M.P.No. 11921 of 2025
in
Crl.A.No. 412 of 2025

24.06.2025($\frac{1}{2}$)