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CrL.M.P.No.9909 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CrL.M.P.No.9909 of 2024

in

CrL.A.No.887 of 2024

Sathish

... Petitioner/Accused

-VS-

The Inspector of Police,
Mangalam Police Station,
Tiruvannamalai
(Crime No.2465 of 2020)

... Respondent/Complainant

Prayer: Petition filed under Section 389 (2) of Cr.P.C. to suspend the sentence and conviction made in the judgment in Spl.S.C.No.51 of 2021 on the file of the Special Court for Exclusive Trial of cases under POCSO Act, Tiruvannamalai District dated 06.06.2024

For Petitioner : Mr.S.Dharmakkan

For Respondent : Mr.A.Damodaran
Addl. Public Prosecutor

ORDER

J.NISHA BANU, J.

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This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence and conviction made in the judgment in Spl.S.C.No.51 of 2021 on the file of the Special Court for Exclusive Trial of cases under POCSO Act, Tiruvannamalai District dated 06.06.2024, pending disposal of the Criminal Appeal before this Court and enlarge the petitioner on bail.

2. Learned Sessions Judge, Tiruppur, in Spl.S.C.No.51 of 2021, had convicted and sentenced the petitioner as follows:

Sl.No.	Rank of the Accused	Offence	Imprisonment	Fine
1.	Sole Accused	Section 376(2)(n) IPC and Section 5(l), 5(j)(ii) r/w 6 of POCSO Act, 2012	Life Imprisonment	Rs.5000/- in default to undergo further SI for one year. Based on the sentence of life imprisonment, the accused shall remain in prison for the rest of his life.
		Section 305 IPC	Life Imprisonment	Rs.5000/- in default to undergo further SI for one year.
		417 IPC	Rigorous Imprisonment for one year	-

3. Challenging the above conviction and sentence, the



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petitioner has filed the above Criminal Appeal and he seeks suspension of sentence and bail in the present Miscellaneous Petition.

4. The case of the prosecution is that the petitioner, in the guise of marrying the deceased, had intercourse with her and later, refused to marry her, on account of which, the deceased had committed suicide by hanging.

5. Learned counsel for the appellant / petitioner submitted that the prosecution has failed to prove the case beyond reasonable doubts and petitioner was not at all involved in the alleged offences. He further submitted that there are arguable points available in the Criminal Appeal and that the petitioner has a fair chance of succeeding in the same. Therefore, the substantive sentence imposed against the appellant / petitioner may be suspended. He also submitted that the appellant / petitioner is ready to abide by any condition imposed by this Court.

6. Heard the learned counsel appearing for the appellant /



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petitioner, the learned Additional Public Prosecutor appearing for the respondent and also perused the materials placed on record.

7. We are of the view that the suicide of the deceased cannot alone be attributed to the petitioner and the matter requires detailed arguments on both sides. Taking into account the fact that this Criminal Appeal is not likely to be taken up 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.

8. Accordingly, this Criminal Miscellaneous Petition stands **allowed** and the sentence imposed on the petitioner is suspended on the following conditions:-

(i) The petitioner shall execute 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 Special Court for Exclusive Trial of cases under POCSO Act, Tiruvannamalai.

(ii) The petitioner and 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 and mobile numbers to ensure their identity;



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(iii) The petitioner shall appear before the Trial Court on the first working day of every 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 any day, he shall make arrangements to file an application under Section 317 of 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.

(iv) On the failure of any of the above conditions by the petitioner / accused, it is open to the trial Court to commit the petitioner / accused into custody for undergoing the sentence.

(J.N.B.J.) (S.S.J.)
22.09.2025

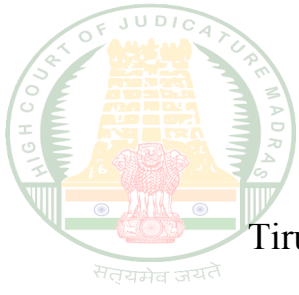
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J.NISHA BANU, J.
AND
S.SOUNTHAR, J.

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To:

1. The Sessions Judge,
Special Court for Exclusive Trial of cases under POCSO Act,



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Tiruvannamalai District.

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2. The Superintendent
Central Prison,
Vellore.
3. The Inspector of Police,
Mangalam Police Station,
Tiruvannamalai
4. The Public Prosecutor,
High Court, Madras.

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