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*Crl.M.P.No. 12446 of 2025
in Crl.A.No.59 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2025

CORAM:

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

Crl.M.P.No.12446 of 2025
in
Crl.A.No. 59 of 2024

Kathiresan

...Petitioner

Vs.

State rep by
The Inspector of Police,
All Women Police Station,
Tirupur South, Tirupur District
(Crime No.5 of 2021)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., / 430(1) of Bharathiya Nagarik Suraksha Sanhita, 2023 to suspend the sentence imposed upon the petitioner/appellant by the learned Sessions Judge, Mahila Court (Fast Track Mahila Court), Tiruppur dated 12.05.2022 in Spl.S.C.No.40 of 2021 and enlarge the petitioner on bail pending appeal.

For Petitioner : Mr.M.Vignesh

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



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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Mahila Court (Fast Track Mahila Court), Tiruppur dated 12.05.2022 in Spl.S.C.No.40 of 2021, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.40 of 2021 on the file of the learned Sessions Judge (Fast Track Mahila Court), Tiruppur. The petitioner was found guilty for the offences under Section 5(m) r/w 6 (3 Counts) of POCSO Act, 5(1) r/w 6(3 Counts) of POCSO Act and convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 5(m), 5(1) r/w 6 of POCSO Act (3 counts) each	to undergo rigorous imprisonment for a period of twenty years for each count and for three counts sentenced to undergo sixty years rigorous imprisonment and to pay a fine of Rs.2,000/- for each count in default to undergo six months simple imprisonment for the offence under Section 5(m) r/w 6 (3 Counts) of POCSO Act. to undergo rigorous imprisonment for a period of twenty years for each count and for three counts sentenced to undergo sixty years rigorous imprisonment and to pay a fine of Rs.2,000/- each count in default to



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S.No.	Conviction	Sentence
		undergo six months simple imprisonment for the offence under Section 5(1) r/w 6 (3 Counts) of POCSO Act. Total fine of Rs.12,000/- is imposed.

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 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.



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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 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 Sessions Judge, Magalir Court (Fast Track 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



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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 he is not able to appear before the trial Court on any 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.

30.06.2025

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

To

1. The Sessions Judge, Magalir Court (Fast Track Court)
Tiruppur
2. State rep by
The Inspector of Police,
All Women Police Station,
Tirupur South, Tirupur District
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

ssd

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