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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.M.P.No. 18995 of 2025

in

Crl.A.No. 810 of 2025

Kubendran

...Petitioner

Vs.

1. The State by its
The Inspector of Police,
Avinashi Police Station,
Thirupur District.
(Crime No. 634 of 2019)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed against the petitioner on 07.02.2025 in Spl.S.C No. 31 of 2020 on the file of the Fast Track Mahila Court, Thirupur and enlarge the petitioner on bail till the disposal of the criminal appeal No. 810 of 2025.



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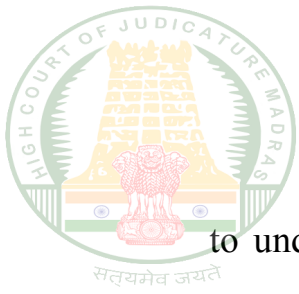


For Petitioner : Mr. P. Pugalenth
For Respondent : Mr. V. Meganthan,
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner to suspend the sentence imposed against the petitioner on 07.02.2025 in Spl.S.C No. 31 of 2020 on the file of the Fast Track Mahila Court, Thirupur and enlarge the petitioner on bail till the disposal of the criminal appeal No. 810 of 2025.

2. The petitioner herein is the accused in Spl. S.C.No.31 of 2020 on the file of the learned Fast Track Mahila Court, Thirupur. He was found guilty of the offences under 5(l) r/w 6 of POCSO Act 2012 and sentenced to undergo 20 years rigorous imprisonment(R.I) and to pay fine of Rs.5,000/- in default to undergo six months Simple Imprisonment(S.I), further convicted under Section 3(1)(w)(i)r/w 3(2)(v) of SC/ST (POA) Act and sentenced to 5 years R.I and to pay a fine of Rs.5,000/- in default to undergo for six months S.I and further convicted under section 450 IPC and sentenced to undergo 10 years R.I and to pay a fine of Rs.5,000/- in default



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to undergo six months SI 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 was love affair between the petitioner and the victim girl based on the complaint of the victim's parent the petitioner falsely implicated in this case. Further, he submits that the petitioner is ready to abide with any conditions and 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 petitioners/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 Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition. 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.



WEB COPY 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, the victim girl is under the custody of her parents and as per the victim statement she had love affair with the petitioner and also by considering the submissions of the learned counsel for the petitioner 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 petitioner/accused is 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



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sureties each for a like sum to the satisfaction of the learned Fast Track Mahila Court, Thirupur.

(b) The petitioners/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 petitioners shall appear before the Trial Court on the first and last 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 is ordered.

13.10.2025

pbl



T.V.THAMILSELVI. J

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To

1. The Fast Track Mahila Court, Thirupur.
2. The Inspector of Police,
Avinashi Police Station,
Thirupur District.
3. The Public Prosecutor,
Madras High Court,
Chennai.
4. The Central Prison, Coimbatore.

Crl.M.P.No. 18995 of 2025
in
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