



Crl.M.P.No.12239 of 2025 in Crl.A.No.133 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.12239 of 2025
in Crl.A.No.133 of 2025

Thanigaivelan

... Petitioner

Vs

The State Rep By Its,
The Deputy Superintendent of Police,
Valavanur Police Station,
Villupuram District.
Crime No.630 of 2018.

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023, to suspend the sentence imposed by the order passed against the petitioner in New Spl.S.C.No.201 of 2019 on 26.11.2024 by the learned Sessions Judge, Special Court for Exclusive Trial cases under POCSO Act at Villupuram and enlarge the petitioner on bail pending disposal of the above said criminal appeal.

For Petitioner : Mr.S.Saravana Kumar

For Respondent : Mr.S.Raja Kumar

Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed in New Spl.S.C.No.201 of 2019 on



26.11.2024 by the Sessions Judge, Special Court for Exclusive Trial cases under POCSO Act at Villupuram, and enlarge the petitioner on bail.

2. The petitioner is an accused in New Spl.S.C.No.201 of 2019 on the file of the Sessions Judge, Special Court for Exclusive Trial cases under POCSO Act at Villupuram. He was found guilty for the offences punishable under Sections and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Section 6 of POCSO Act	to undergo 20 years rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo six months simple imprisonment.

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



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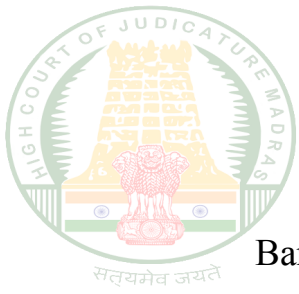
4. Heard the learned counsel appearing on either side and perused the materials placed on record.

5. 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, 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.

6. 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 his 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 Sessions Judge, Special Court for Exclusive Trial cases under POCSO Act at Villupuram.

(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



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Bank Pass Books to ensure their identities.

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(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 355 of BNSS, 2023 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.

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

26.06.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn



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To

1. The Sessions Judge,
Special Court for Exclusive Trial cases
under POCSO Act at Villupuram.
2. The Superintendent of Prison,
Central Prison,
Cuddalore.
3. The Deputy Superintendent of Police,
Valavanur Police Station,
Villupuram District.
4. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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