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Crl. M.P. No. 12814 of 2025 in
Crl. A. No. 106 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2025

CORAM:

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

Crl. M.P. No. 12814 of 2025

in

Crl. A. No. 106 of 2025

Velu

.... Petitioner

Vs

The State rep., by,
The Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.
(Crime No. 266 of 2017)

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence of imprisonment imposed in the judgment dated 18.09.2024 made in Sp.S.C.No.28 of 2023 on the file of the Sessions Judge, Special Court for POCSO Act, Dharmapuri and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr. J. Pradeep
For Respondent : Mr. A. Gopinath,
Government Advocate (Crl. Side)



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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, Special Court for POCSO Act, Dharmapuri in Spl. S.C. No. 28 of 2023, dated 18.09.2024 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2. The petitioner herein is the accused in Spl. S.C. No. 28 of 2023 on the file of the learned Sessions Judge, Special Court for POCSO Act, Dharmapuri. He was convicted for the offence under Section 7 r/w 8 of the Protection of Children from Rape Act, 2012 and sentenced to undergo 5 years rigorous imprisonment and Rs.10,000/- fine and in default of six months simple imprisonment; Under Section 363 of IPC he was convicted and sentenced to undergo rigorous imprisonment for 3 years and Rs.5,000/- fine and in default 6 months simple imprisonment; Under Section 451 of IPC he was convicted and sentenced to undergo 1 year rigorous imprisonment and a fine of Rs.1,000/- in default three months simple imprisonment; Under Section 506(i) of IPC he was convicted and sentenced to undergo rigorous imprisonment for 1 year and to pay a fine of Rs.1,000/- in default three months simple imprisonment. Aggrieved by the same, the present appeal has been filed.



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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 any condition to 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



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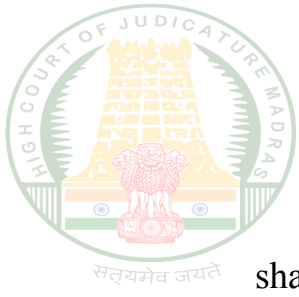
submissions of the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police, further this criminal appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment 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 is granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on executing 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, Special Court for POCSO Act, Dharmapuri.

(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 daily at 10.30 a.m., for a period of 30 days. Thereafter, once in a month, 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



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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.

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Index : Yes/No
Neutral citation : Yes/No

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G.K.ILANTHIRAIYAN, J.

AT

To

1.The Sessions Judge, Special Court for POCSO Act,
Dharmapuri.

2.The Central Prison, Salem.

3.The Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.

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