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*Crl.M.P.No.14475 of 2025
in Crl.A.No. 723 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2025

CORAM:

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

Crl.M.P.No. 14475 of 2025
in
Crl.A.No. 723 of 2025

Dhatchinamoorthy Petitioner

Vs

State by :
The Inspector of Police,
Kundadam Police Station,
Thirupur District
Crime No.125 of 2021 Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to suspend the sentence imposed against the petitioner on 29.08.2024 in Spl.S.C.No.68 of 2021 on the learned Magalir Neethimandram, Thirupur and enlarge the petitioner on bail till the pending disposal of the Criminal Appeal.

For Petitioner : Mr.P.Pugalenth

For Respondent : Mr.S.Raja Kumar
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, Magalir Neethimandram, Thirupur District in Spl.S.C.No.68 of 2021 dated 29.08.2024, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.68 of 2021 on the file of the learned Sessions Judge, Magalir Neethimandram, Thirupur. He was found guilty of the offence under Section 366(A) of IPC, Section 5(I) r/w 6 of POCSO Act and Section 9 of the Prohibition of Child Marriage Act and has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 366(A) of IPC	To undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of three months
2	Section 5(I) r/w.6 of POCSO Act	To undergo rigorous imprisonment for a period of twenty years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for a period of three months.
3	Section 9 of Prohibition of Child Marriage Act	To pay a fine of Rs.10,000/- in default to undergo simple imprisonment for a period of three months.



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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 by any condition to be 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. In view of the above, this Court is of the opinion that the petitioner has made a *prima facie* case for suspension of sentence. Further, considering the period of incarceration undergone by the petitioner and fact that the criminal appeal is not likely to be taken for final hearing in the near future, this Court is inclined to suspend the substantive sentence of imprisonment, subject to certain conditions.

7. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment imposed by the learned trial Judge is suspended and bail is granted to the petitioner subject to 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 learned Sessions Judge, Magalir Neethimandram, Thirupur.



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(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 thirty days and thereafter, 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.

29.07.2025
(2/2)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.
Lpp

To

1. The Sessions Judge,
Magalir Neethimandram,
Thirupur.
2. The Superintendent,
Central Prison, Coimbatore
3. The Inspector of Police,
Kundadam Police Station,
Thirupur District
4. The Public Prosecutor,
Madras High Court,
Chennai.

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