



WEB COPY



*Crl.M.P.No.13384 of 2025
in Crl.A.No.825 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2025

CORAM:

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

Crl.M.P.No.13384 of 2025

in

Crl.A.No.825 of 2025

Vignesh

...Petitioner

Vs.

The State by its
The Inspector of Police,
All Women Police Station,
Mayiladuthurai District.
(Crime No.26 of 2021)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389 (1) of Cr.P.C. to suspend the sentence imposed upon the petitioner/appellant by the learned District and Session Judge, Mayiladuthurai, in Spl.Sc.No.60 of 2024 by the judgment dated 30.06.2025 and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.P.Muthamizh Selvakumar

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

ORDER



*Crl.M.P.No.13384 of 2025
in Crl.A.No.825 of 2025*

WEB COPY

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned District and Session Judge, Mayiladuthurai, in Spl.Sc.No.60 of 2024 dated 30.06.2025, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.Sc.No.60 of 2024 on the file of the learned District and Session Judge, Mayiladuthurai. He was found guilty of the offences under Section 366 I.P.C., and 6 r/w 5 (l) (n) of POCSO Act, 2012 and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 366 of I.P.C.	To undergo 10 years rigorous imprisonment and to pay fine of Rs.1000/- in default to undergo 3 months rigorous imprisonment.
2	Section 5 (l), (n) of POCSO Act, 2012 and Under Section 6 of POCSO Act 2012	Convicted and sentenced to undergo 10 years of rigorous imprisonment and to pay a fine of Rs.2000/- in default to undergo further rigorous imprisonment for 3 months

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



*Crl.M.P.No.13384 of 2025
in Crl.A.No.825 of 2025*

WEB COPY

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 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 submissions of the learned counsel for the petitioner and the



*Crl.M.P.No.13384 of 2025
in Crl.A.No.825 of 2025*

WEB COPY

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 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 District and Session Judge, Mayiladuthurai.

(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 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.



*Crl.M.P.No.13384 of 2025
in Crl.A.No.825 of 2025*

WEB COPY

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.

08.07.2025
(1/2)

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



WEB COPY



*Crl.M.P.No.13384 of 2025
in Crl.A.No.825 of 2025*

G.K.ILANTHIRAIYAN, J.

To

1. The Central Prison,
Cuddalore.
2. The Inspector of Police,
All Women Police Station,
Mayiladuthurai District.
3. The Public Prosecutor,
Madras High Court,
Chennai.
4. The District and Session Judge,
Mayiladuthurai.

Crl.M.P.No.13384 of 2025
in
Crl.A.No.825 of 2025

08.07.2025
(½)