



WEB COPY



Crl.M.P.No.13959 of 2025
in
Crl.A.No.980 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

CORAM :

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

Crl.M.P.No.13959 of 2025

in

Crl.A.No.980 of 2025

Vimal

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Chengam All Women Police Station,
Chengam,
Tiruvannamalai District.

... Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to suspend the sentence imposed in the judgement dated 14.11.2024 made in Spl.S.C.No.8 of 2023 passed by the Special Court (POCSO Cases), Tiruvannamalai and enlarge the petitioner on bail.

For Petitioner : Mr.B.Jawahar

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



Crl.M.P.No.13959 of 2025
in
Crl.A.No.980 of 2025

WEB COPY

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking to suspend the sentence imposed on him in Spl.S.C.No.8 of 2023 dated 14.11.2024 on the file of the Special Court (POCSO Cases), Tiruvannamalai and enlarge the petitioner on bail.

2. The petitioner is an accused in Spl.S.C.No.8 of 2023 on the file of the Special Court (POCSO Cases), Tiruvannamalai. 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 366 of IPC	to undergo five years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one year simple imprisonment.
2.	Section 9(m) r/w 10 of POCSO Act	to undergo five years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one year simple imprisonment.

Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition.



WEB COPY



Crl.M.P.No.13959 of 2025
in
Crl.A.No.980 of 2025

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.

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.



Crl.M.P.No.13959 of 2025
in
Crl.A.No.980 of 2025

WEB COPY

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 is granted on the following conditions:

(i) 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 Special Court (POCSO Cases), Tiruvannamalai;

(ii) 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;

(iii) 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.



Crl.M.P.No.13959 of 2025
in
Crl.A.No.980 of 2025

WEB COPY

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

16.07.2025
(2/2)

Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sp

To

- 1.The Special Court (POCSO Cases), Tiruvannamalai.
- 2.The Superintendent, Central Prison, Vellore.
- 3.The Inspector of Police, Chengam All Women Police Station, Chengam, Tiruvannamalai District.
- 4.The Public Prosecutor, Madras High Court, Chennai.



WEB COPY



Crl.M.P.No.13959 of 2025
in
Crl.A.No.980 of 2025

G.K.ILANTHIRAIYAN, J.

sp

Crl.M.P.No.13959 of 2025
in
Crl.A.No.980 of 2025

16.07.2025
(2/2)