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*Crl.M.P.No.13802 of 2025
in Crl.A.No.936 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2025

CORAM:

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

Crl.M.P.Nos.13802 of 2025
in
Crl.A.No.936 of 2025

Aravind

.... Petitioner

Vs

State,
Inspector of Police
All Women Police Station,
Chengam,
Tiruvannamalai District
Crime No.4 of 2022

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438 r/w 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence in Conviction judgment dated 09.06.2025 passed in Spl.S.C.No.95 of 2022 on the file of Special Court for Exclusive trial of Cases under POCSO Act, Tiruvannamalai district and enlarge the petitioner on bail pending disposal of the aforesaid appeal.



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For Petitioner : Mr.S.Silambuselvan
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 by the Special Court for Exclusive trial of Cases under POCSO Act, Tiruvannamalai District in Spl.SC.No.95 of 2022 dated 09.06.2025 and enlarge the petitioner on bail pending disposal of the above Appeal.

2. The petitioner herein is the accused in Spl.SC.No.95 of 2022 on the file of the Special Court for Exclusive trial of Cases under POCSO Act, Tiruvannamalai District. He was found guilty of the offences under Section 366 of I.P.C and Section 10 of POCSO Act 2012 and Section 376 AB r/w 511 and Section 6 r/w 18 of POCSO Act 2012 and he has been convicted and sentenced as under:



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S.No.	Conviction	Sentence
1	Section 366 of IPC	To undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.5,000/- and in default to undergo simple imprisonment for a period of six months.
2	Section 10 of the POCSO Act, 2012	to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for six months.
3	Section 376AB r/w 511 & Section 6 r/w 18 of POCSO Act, 2012	to undergo simple imprisonment for a period of ten years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for six months.

The said sentences were directed to run concurrently. Aggrieved by the same, the present appeal has been filed.

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 the condition imposed by this Court.



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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.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent police 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 learned Additional Public Prosecutor appearing for the respondent police, further this 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. Accordingly, till the disposal of the



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Criminal Appeal, the reliefs of suspension of sentence and bail are granted

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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 Learned Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai.

(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 for a period of 30 days thereafter on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the 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.



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

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

Nhs

To

1. The learned Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai.
2. The Inspector of Police
All Women Police Station,
Chengam,
Tiruvannamalai District
3. The Public Prosecutor,
High Court, Madras.
4. The Superintendent,
Central Prison, Vellore.



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Admit. Notice.

2. Mr.S.Raja Kumar, learned Additional Public Prosecutor takes notice for the respondent.

3. Registry is directed to call for the records from the lower Court and prepare typed set of papers.

Nhs

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