



*Crl.M.P.No.14893 of 2025
in Crl.A.No.1146 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 06.08.2025

CORAM:

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

Crl.M.P.No.14893 of 2025

in

Crl.A.No.1146 of 2025

M.Madesh
S/o. Muthuselvam,
Vadakarai Village,
Pappireddipatti Taluk,
Dharmapuri District.

...Petitioner

Vs.

The State by
The Inspector of Police,
All Women Police Station,
Dharmapuri District.
Cr.No.6/2019

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Cr.P.C. to suspend the sentence of imprisonment imposed in the judgment dated 21.03.2025 made in Spl.SC No.47/2023 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri (Transferred Spl.S.C.No.29 of 2019 on the file of the learned Mahila Court, Dharmapuri) and enlarge the petitioner on bail,



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pending disposal of the above Criminal Appeal before this Court.

For Petitioner : Mr.N.Manoharan

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, to suspend the sentence of imprisonment imposed in the judgment dated 21.03.2025 made in Spl.SC No.47/2023 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri (Transferred Spl.S.C.No.29 of 2019 on the file of the learned Mahila Court, Dharmapuri) and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal before this Court.

2. The petitioner herein is the accused in Spl. C.C. No.29 of 2019 by the Mahila Court, Dharmapuri, later transferred and renumbered as Spl.C.C.No.47 of 2023 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act cases, Dharmapuri. He was found guilty of the offences and convicted and sentenced as under:



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S.No.	Conviction	Sentence
1	Section 363 IPC	To undergo imprisonment for 5 years with fine of Rs.5,000/-, in default to undergo simple imprisonment for six month.
2	Section 5(l) r/w. Section 6 of the POCSO Act	To undergo rigorous imprisonment for 10 years with fine of Rs.10,000/- in default to undergo 12 months simple imprisonment.

Aggrieved by the same, the Criminal Appeal along with the present miscellaneous petition 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.

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



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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 learned Additional Public Prosecutor 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:



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(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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act cases, 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 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 the said 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.



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

1. The Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act cases, Dharmapuri.
2. The Inspector of Police,
All Women Police Station,
Dharmapuri District.
3. The Public Prosecutor,
Madras High Court,
Chennai.
4. The Superintendent,
Central Prison,
Salem.



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G.K.ILANTHIRAIYAN, J.
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