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CRL MP No. 12670 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 12670 of 2024

IN

CRL A NO. 467 OF 2024

1. S.Sowkath

S/o.Sekar, Palaya Indur, Indur Post,
Nallampalli Taluk, Dharmapuri District.

Petitioner(s)

Vs

1. State, Rep. By

The Inspector Of Police, Pennagaram
All Women Police Station, Pennagram,
Dharmapuri District. Crime No.12/2022

Respondent(s)

CRL MP No. 12670 of 2024

PRAYER

To SUSPEND THE SENTENCE imposed in Spl.S.C.No.240 of 2023 dated 22.2.2024 on the file of Special court of Exclusive Trial cases under POCSO Act, Dharmapuri and ENLARGE THE PETITIONER ON BAIL, pending disposal of the above Crl.Appeal on the file of this Honourable court and thus render justice.



WEB COPY

CRL MP No. 12670 of 2024



CRL MP No. 12670 of 2024

For Petitioner(s): R.Sankarasubbu
A.Ramesh
P.Loganathan
A.Sivakumar
S.Jeevanantham
S.Mathivanan
P.Jawaher
G.Dilipkumar
M.Santhiya
V.Narmada

For Respondent(s): Public Prosecutor

ORDER

This petition has been filed to suspend the sentence imposed in Spl.S.C.No.240 of 2023 dated 22.2.2024 on the file of Special court of Exclusive Trial cases under POCSO Act, Dharmapuri and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.

2. The petitioner herein is accused in Spl.S.C.No.240 of 2023 on the file of Special court of Exclusive Trial cases under POCSO Act, Dharmapuri. The Trial Court found the petitioner guilty and convicted and sentenced him to undergo 5 years Rigorous imprisonment with Rs.5000/- fine amount for the offence under Section 366 IPC, in default 3 months Simple Imprisonment and under Section 5 (i) 6(1) of POCSO Act and sentenced to undergo 20 years



Rigorous Imprisonment with Rs.20,000/- fine, in default to undergo 6 months

simple imprisonment. Aggrieved over the same, the petitioner filed the appeal and to suspend the sentence imposed on him.

3. The learned counsel for the petitioner/accused would submit that the petitioner was in jail for the past 3 years and there are arguable points available in the appeal. Even the identification parade was not conducted and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide any condition to be imposed by this Court.

4. The learned Government Advocate (Crl. Side) submits that the victim girl was aged about 16 years at the time of the occurrence when she was fell down due to Blood Pressure, the petitioner sexually abused the victim girl. 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. As per prosecution, the petitioner was in jail for the past three years and victim has received compensation and there is no previous case against the petitioner. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioners, also by considering the submissions of the learned counsel for the petitioner and the 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 their executing a separate bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for



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a like sum to the satisfaction of the learned Special court of Exclusive Trial cases under POCSO Act, Dharmapuri. Further, the petitioner shall not have any communication with victim girl.

(b) The petitioners/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 petitioners shall appear before the respondent police on every Tuesday and Saturday at 10.30 a.m. Till the disposal of the appeal.

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

16-10-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WEB COPY

CRL MP No. 12670 of 2024



T.V.THAMILSELVI J.

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To

1. The Special court of Exclusive Trial cases under POCSO Act, Dharmapuri.
2. The Central Prison, Vellore.
3. The Public Prosecutor, High Court, Madras.
4. The Inspector of Police, Pennagaram All women Police Station, Pennagaram.

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