



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.No.14680 of 2024
in Crl.A.No.1196 of 2023**

Raja

...Petitioner

Versus

State rep. by
Inspector of Police,
Bhavani All Women Police Station,
Bhavani,
Erode District.
(Crime No.3 of 2019)

...Respondent

Prayer:

This Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C and 430(1) of BNSS, 2023 praying to suspend the sentence imposed in Special Sessions Case No.53 of 2019 on the file of learned Sessions Judge, Magalir Neethi Mandram (Fast Track Court), Erode by Judgment dated 11.10.2022 and enlarge the petitioner on bail pending disposal of the



above Crl.A.No.1196 of 2023.

For Petitioner : Mr.K.Shivakumar
For Respondent : Mr.V.Meganathan,
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner seeking to suspend the sentence of imprisonment imposed on him by the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Court), Erode vide Judgment dated 11.10.2022 in Spl.S.C.No.53 of 2019 and enlarge him on bail pending disposal of the above Criminal Appeal.

2. The petitioner is an accused in Spl.S.C.No.53 of 2019 on the file of Magalir Neethi Mandram (Fast Track Court), Erode. The petitioner/accused was found guilty of the offence under Sections 5(1), 5(n) punishable under Section 6 of POCSO Act, 2012. Therefore, the Trial Court vide Judgment dated 11.10.2022 in Spl.S.C.No.53 of 2019, convicted the petitioner/accused



and sentenced him to undergo 20 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo 3 months simple imprisonment.

Aggrieved by the said conviction and sentence, petitioner/accused has preferred the present Criminal Appeal.

3. The learned counsel for petitioner/accused submitted that the petitioner/accused is under the judicial custody and he is ready to abide any condition to be imposed by this Court. Therefore, the learned counsel prayed that the substantive sentence imposed on the petitioner/accused may be suspended.

4. The learned Government Advocate (Crl.Side) appearing for respondent Police submitted that the petitioner/accused had committed penetrative sexual assault on victim girl which was also proved beyond all reasonable doubt before the Trial Court. Therefore, the learned Government



Advocate (Crl.Side) submitted that he has serious objection for granting bail to the petitioner/accused.

5. Heard the learned counsel on both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsel for petitioner/accused coupled with the quantum of punishment imposed on the petitioner/accused and taking into consideration of the fact that the Criminal Appeal is likely to be taken up for final hearing in the near future, this Court is inclined to suspend the substantive sentence of imprisonment alone.

7. Accordingly, till the disposal of Criminal Appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(i) The sentence of imprisonment imposed on the petitioner/accused shall be suspended and the



petitioner/accused shall be released on bail on condition that he shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (out of which, one surety should be blood surety), each for a likesum to the satisfaction of Trial Court;

(ii) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Trial Court may obtain a copy of their Aadhaar Card or Bank Pass Book and their mobile numbers to ensure their identity;

(iii) The petitioner/accused shall appear before the respondent Police on every Sunday at 10.30 a.m. and also, he shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., till the disposal of 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 his absence, as directed by the Trial Court; and

(iv) The petitioner/accused shall not have any



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communication with the victim girl.

8. This Criminal Miscellaneous Petition is allowed on above conditions.

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mrr

Index: Yes/No

Speaking Order (or) Non-Speaking Order

To

1.The Sessions Judge,
Magalir Neethi Mandram (Fast Track Court),
Erode.

2.The Inspector of Police,
Bhavani All Women Police Station,
Bhavani,
Erode District.

3.The Superintendent,
Central Prison,
Coimbatore.

4.The Public Prosecutor,

6/6



High Court, Madras.

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T.V.THAMILSELVI, J.

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