



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.10.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.No.19238 of 2025
in Crl.A.No.520 of 2025**

Vetrivel

...Petitioner

Versus

State rep. By
Inspector of Police,
K.G.Chavadi Police Station,
Coimbatore City.
(Crime No.301 of 2021)

...Respondent

Prayer: This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023 praying to suspend the sentence passed in Spl.S.C.No.144 of 2022 by the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore dated 22.01.2025 and release the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.A.P.Sathya Murthy

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



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/accused seeking to suspend the sentence imposed on him by the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore vide Judgment dated 22.01.2025 in Spl.S.C.No.144 of 2022 and to enlarge him on bail pending disposal of the above Criminal Appeal.

2. The case of the prosecution is that P.W.2 (mother of the victim girl) had married twice. Through first marriage, P.W.2 has a daughter who is the victim girl. Through second marriage, P.W.2 has two daughters and one son. While so, P.W.2 had close relationship with petitioner/accused and both of them were living together in a same house. The petitioner/accused and P.W.2 had a six month old male child. The petitioner/accused had a malicious intention to abduct the victim girl and marry her. The victim girl studied upto 7th Standard and thereafter, she discontinued her studies. While so, during the month of July 2021, petitioner/accused took the victim girl to



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a Temple at Vellore, where, petitioner/accused tied a yellow rope (Thaali) around the neck of victim girl and told that she is his wife. Thereafter, petitioner/accused kept the victim girl in a separate house for a period of one month and had committed aggravated penetrative sexual assault on the victim girl for several times. In the meanwhile, P.W.2 (mother of the victim girl) lodged a complaint at South Police Station, Vellore stating that her daughter (victim girl) is missing. When the petitioner/accused came to know about the police complaint lodged by P.W.2, he took the victim girl to the village. Then, P.W.2 withdrew the case and took the victim girl to home. The petitioner/accused had also went home along with P.W.2 and victim girl. After a week, petitioner/accused took the victim girl along with him and went to Coimbatore. On the way back, petitioner/accused went to a temple, where, he once again tied a yellow rope (Thaali) around the neck of victim girl and told that she is his wife and if she says anything outside, he would kill her. Thereafter, petitioner/accused kept the victim girl in a rented house at K.K.Chaavadi for a period of three months and had committed aggravated penetrative sexual assault on the victim girl in intoxicated mode even during her mensuration period. The victim girl could not tolerate the



sexual torture given by the petitioner/accused. Hence, on 09.10.2021, at around 4.00 p.m., the victim girl tried to commit suicide by having the cow dung powder. Immediately, the neighbours who are living near the said rented house, took the victim girl to Hospital and admitted her for treatment. While the victim girl was taking treatment at Hospital, Police informed P.W.2 about the suicide attempt of her daughter (victim girl). The victim girl gave a statement regarding the alleged occurrence. Since the victim girl is a minor, the respondent Police registered a case against the petitioner/accused and conducted investigation. After the completion of investigation, the respondent Police had filed a Charge Sheet before the trial Court. The said Charge Sheet was taken on file in Spl.S.C.No.144 of 2022. The petitioner/accused was found guilty of the offence under Sections 366, 376(3), 506(i), 323, 325 r/w. 115 & 344 of I.P.C and Section 5(1)(n) r/w. Section 6 of POCSO Act, 2012. The learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore vide Judgment dated 22.01.2025 in Spl.S.C.No.144 of 2022, convicted the petitioner/accused and sentenced him as follows:



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S.No.	Offence	Sentence
1	Under Sections 366 of IPC	To undergo rigorous imprisonment for a period of 5 years and to pay a fine of Rs.50,000/-, in default, to undergo 6 months simple imprisonment.
2	Under Section 5(1)(n) r/w. 6 of POCSO Act, 2012 and Section 376(3) of IPC	To undergo rigorous imprisonment for a period of 20 years and to pay a fine of Rs.10,000/-, in default, to undergo 1 year simple imprisonment.
3	Under Section 506(i) of IPC	To undergo rigorous imprisonment for a period of 1 year and to pay a fine of Rs.1,000/-, in default, to undergo 1 month simple imprisonment.
4	Under Section 323 of IPC	To pay a fine of Rs.1,000/-, in default, to undergo 1 month simple imprisonment.
5	Under Section 305 r/w. 115 of IPC	To undergo rigorous imprisonment for a period of 4 years and to pay a fine of Rs.1,000/-, in default, to undergo 1 month simple imprisonment.
6	Under Section 344 of IPC	To undergo rigorous imprisonment for a period of 1 year and to pay a fine of Rs.1,000/-, in default, to undergo 1 month simple imprisonment.

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



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3. The learned counsel for the petitioner/accused submitted that the victim girl had eloped with petitioner/accused and both of them got married and lived together for three months, but, even after three months, P.W.2 (mother of the victim girl) did not lodge any police complaint stating that her daughter (victim girl) is missing. It is submitted that there was an enmity between P.W.2 and petitioner/accused since the petitioner/accused stopped paying money to the family expenses of P.W.2.

3.1. It is further submitted by the learned counsel for the petitioner/accused that petitioner/accused has no previous criminal antecedents and he has been falsely implicated in this case and he is ready to abide any condition to be imposed by this Court.

3.2. The learned counsel for the petitioner/accused also submitted that petitioner/accused has a fair chance of succeeding in the Criminal Appeal. Therefore, the learned counsel for the petitioner/accused prayed that the substantive sentence imposed on the petitioner/accused may be suspended.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that petitioner/accused had illicit affair with P.W.2 (mother of the victim girl) and he had committed aggravated penetrative sexual assault on the victim girl for several occasions. The offence committed by the petitioner/accused has also been proved beyond all reasonable doubts. He further submitted that the compensation awarded to the victim girl by the trial Court has not yet been paid to the victim girl.

5. Heard the learned counsel for the petitioner/accused and the learned Government Advocate (Crl.Side) appearing for the respondent Police.

6. Considering the submissions made by the learned counsel for 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.



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7. Accordingly, till the disposal of the 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, each for a likesum to the satisfaction of the 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 the respondent Police on every Saturday at 10.30 a.m. and he shall also 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 his absence, as directed by the trial Court;



(iv) The petitioner/accused shall not have any communication with the family of victim girl.

8. As regards the compensation awarded to the victim girl is concerned, this Court directs the District Legal Services Authority, Coimbatore to verify whether the compensation awarded to the victim girl by the trial Court in Spl.S.C.No.144 of 2022 has been paid to the victim girl or not, if not, refer the matter to District Collector, Coimbatore for taking appropriate action to disburse the compensation to the victim girl, within a period of twelve weeks from the date of receipt of a copy of this order.

9. On disbursement of compensation, P.W.2 (mother of the victim girl) shall deposit the compensation amount in a Fixed Deposit Account in any one of the Post Office in the name of victim girl and the same shall be kept in the said Fixed Deposit Account, till the victim girl attains majority and the interest accrued thereon shall be utilized by P.W.2 (mother of the victim girl) for the welfare of victim girl.



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is allowed.

16.10.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

**Note: Registry is directed to list the Criminal Appeal No.520 of 2025
for hearing on 10.12.2025.**

To

- 1.The Sessions Judge,
Principal Special Court for Exclusive
Trial of Cases under POCSO Act,
Coimbatore.
- 2.The Inspector of Police,
K.G.Chavadi Police Station,
Coimbatore City.
- 3.The District Legal Services Authority,
Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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