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*Crl.M.P.No.16767 of 2025
in Crl.A.No.1412 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2025

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.M.P.No.16767 of 2025
in
Crl.A.No.1412 of 2025

Dhastakir

...Petitioner

Vs.

The State rep by its
Anti Trafficking Cell
Crime Branch CID,
Chennai – 8
(Crime No.2 of 2014)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to enlarge the petitioner on bail by suspending the sentence imposed by the Session Judge, Magalir Neethi Mandram Fast Track Mahila Court, Tiruvallur made in Spl.S.C.No.11 of 2015 dated 02.11.2025 pending disposal of Crl.A.No.1412 of 2025 on the file of this Court.

For Petitioners : Mr.R.Radha Pandian

For Respondents : Mr.V.Meganathan
Government Advocate (Crl.side)



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Magalir Neethi Mandram, Fast Track Mahila Court, Tiruvallur in Spl.S.C.No.11 of 2015 dated 02.11.2023, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.11 of 2015 on the file of the learned Session Judge, Magalir Neethi Mandram, Fast Track Mahila Court, Tiruvallur. He was found guilty of the offences under Sections 370 (4) of IPC, 7 (1-A) (1 Count), 5(1) of ITP Act and 18 r/w 4 of POCSO Act, 2012 and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 370 (4) of IPC	to undergo rigorous imprisonment for a period of ten years and to pay fine of Rs.2,000/-, in default to undergo simple imprisonment for six months.
2	Section 7 (1-A) (1 count)	to undergo rigorous imprisonment for a period of seven years and to pay fine of Rs.2,000/-, in default to undergo simple imprisonment for six months.



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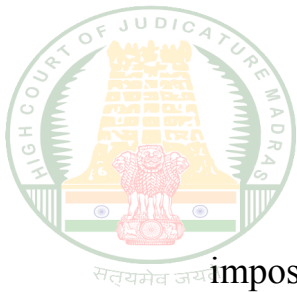
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3	Section 5(1) of ITP Act	to undergo rigorous imprisonment for a period of seven years and to pay fine of Rs.2,000/-, in default to undergo simple imprisonment for six months.
4	Section 18 r/w 4 of POCSO Act, 2012	to undergo rigorous imprisonment for a period of three and a half years and to pay fine of Rs.1,000/- in default to undergo simple imprisonment for two months.

The sentence ordered above are to be run concurrently.

Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that the petitioner is married and having children. Since the petitioner is inside the prison his family is starving without any source of income. The petitioner is a poor auto driver and is incarceration for about 2 years and that he has been falsely implicated in this case. He further submitted that the victims have received compensation. There are arguable points available in the Criminal Appeal and the petitioner/accused have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence



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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 Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition. He further submitted that the petitioner participated in the immoral Traffic and he has been ranked A3 and there is no any previous case against him. 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. 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



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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 is directed to deposit a sum of **Rs.60,000/- (Rupees Sixty thousand only)**, to the credit of SC.No.11 of 2015, on the file of the learned Sessions Judge Mahalir Needhi Mandram, FTMC, Tiruvallur, without prejudice his defence, within a period of four weeks from the date of receipt of a copy of this order.

(b) the petitioner/accused is ordered to be released on bail, on executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, in which one surety must be a blood related surety, each for a like sum to the satisfaction of the learned Sessions Judge Mahalir Needhi Mandram, FTMC, Tiruvallur



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(c) 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.

(d) The petitioner shall appear before the respondent police on every Saturday at 10.30 a.m., until the disposal of the Criminal Appeal 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 the date of his absence, as directed by the trial Court.

(e) the defacto complainants are permitted to withdraw **Rs. 20,000/- (Rupees Twenty Thousand Only) each**, deposited by the petitioner, in S.C.No.11 of 2015, on the file of the learned Sessions Judge Mahalir Needhi Mandram, FTMC, Tiruvallur, on proper identification, in the manner known to law.

(f) the petitioner shall not to have any communication with the victim family.



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8. With the above directions, this Criminal Miscellaneous Petition

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is ordered.

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dpq

Index : Yes/No

Speaking/non-speaking order

To

1. The learned Session Judge,
Magalir Neethi Mandram
Fast Track Mahila Court,
Tiruvallur.

2. The Superintendent
Central Prison Puzhal,
Chennai.

3. The Inspector of Police,
Anti Trafficking Cell,
Crime Branch CID,
Chennai – 8.

4. The Public Prosecutor,
Madras High Court,
Chennai.



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T.V.THAMILSELVI, J.
dpq

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