



Crl.M.P.No.15794 of 2025
in Crl.A.No.1274 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 29.08.2025

PRONOUNCED ON : 09.09.2025

CORAM:

**THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN**

Crl.M.P.No.15794 of 2025
in Crl.A.No.1274 of 2025

Selvam

... Petitioner/A1

Vs.

State rep by
The Inspector of Police,
All Women Police Station,
Mangalamedu,
Perambalur District
(Cr.No.07/2019)

... Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, seeking to suspend the sentence imposed on the petitioner by the judgement dated 11.07.2025 passed in S.C.No.03 of 2020 on the file of the Mahila Court, Perambalur and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.

For Petitioner : Mr.K.Govi Ganesan



Crl.M.P.No.15794 of 2025
in Crl.A.No.1274 of 2025

WEB COPY

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneen

ORDER

M.S.RAMESH,J.

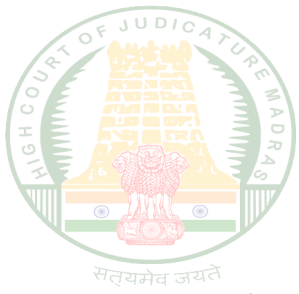
This Criminal Miscellaneous Petition has been filed seeking to enlarge the petitioner on bail imposed in S.C.No.03 of 2020 dated 11.07.2025 passed by the Mahila Court, Perambalur, pending disposal of the above Criminal Appeal.

2. The petitioner herein is arrayed as the first accused (A1) in S.C.No.03 of 2020. The Mahila Court, Perambalur vide judgment dated 11.07.2025 has convicted and sentenced him as follows:-

<i>Accused</i>	<i>Offence</i>	<i>Sentence</i>
A1	Section 417 IPC	One year R.I and a fine of Rs.1,000/-, i/d. 3 months S.I
	Section 376 IPC	Life imprisonment and a fine of Rs.50,000/-,i/d. 2 years S.I

The sentences are ordered to run concurrently.

3. While the judgment of the trial Court is under challenge in the



Crl.M.P.No.15794 of 2025
in Crl.A.No.1274 of 2025

WEB COPY

main Appeal, the petitioner seeks for suspension of sentence in the present Miscellaneous Petition.

4. It is the case of the prosecution that P.W.1/victim, born on 05.05.1994, and aged about 24 years at the time of occurrence, was raped by A1. As per the oral evidence of P.W.1, as well as the police complaint, Ext.P1, P.W.1 and the petitioner were acquainted with each other for the past three years and on 13.03.2018, the petitioner had married P.W.1 in a temple by tying a Thali. After the marriage, P.W.1 and the petitioner had physical relationships on several occasions, after which, P.W.1 became pregnant.

5. From the evidence of P.W.1 and Ext.P1, the physical relationship, which P.W.1 had with the petitioner appears to be consensual. The Hon'ble Supreme Court in a recent decision in *Amol Bhagwan Nehul vs. State of Maharashtra and another*, [(2025) SCC OnLine SC 1230], had held that a consensual relationship turning sour or partner becoming distant, cannot be a ground for invoking criminal machinery of the State and that the offence under Section 376 IPC will not be attracted.



Crl.M.P.No.15794 of 2025
in Crl.A.No.1274 of 2025

WEB COPY

6. On a *prima facie* view, the trial Court had not properly appreciated the evidence of P.W.1 on this aspect and hence, the petitioner may have a fair chance of success in the main appeal. We have taken into consideration that the appeal may not be taken up for final disposal in the near future and hence, we are inclined to suspend the sentence of the petitioner/A1.

7. Accordingly, this Criminal Miscellaneous Petition stands **allowed**, and the sentence imposed on the petitioner herein, is suspended till the disposal of the appeal and he is ordered to be enlarged on bail, on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties each, for a like sum to the satisfaction of the Mahila Court, Perambalur;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and



WEB COPY



Crl.M.P.No.15794 of 2025
in Crl.A.No.1274 of 2025

(iii) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 A.M., until the disposal of the 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 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.

(M.S.R, J.) (V.L.N, J.)
09. 09 .2025

Anu

Note: Issue order copy on 09.09.2025

To

1.The Mahila Court, Permbalur

2.The Inspector of Police,
All Women Police Station,
Mangalamedu,
Perambalur District



WEB COPY



Crl.M.P.No.15794 of 2025
in Crl.A.No.1274 of 2025

M.S.RAMESH, J.
and
V. LAKSHMINARAYANAN, J.

Anu

3.The Superintendent of Prison,
Central Prison, Tiruchirappalli

4.The Public Prosecutor,
High Court, Madras.

Pre-delivery order made in
Crl.M.P.No.15794 of 2025
in Crl.A.No.1274 of 2025

09. 09.2025