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CRL MP No. 17610 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 17610 of 2025

AND

CRL A NO. 1014 OF 2023

PRAKASH

S/o. Thangarasu,
Pannankattu Road, Pudukuppam
Village, Vikravandi Taluk, Cuddalore
District, Presently confined in Central
Prison-Cuddalore.

Petitioner(s)

Vs

1. The Deputy Superintendent Of
Police,
Villupuram Sub-Division, Villupuram
District. Cr.No.25/2020.

2.The Inspector Of Police,
Villupuram All women Police Station,
Villupuram District.

3.VALLI

W/o. Nagamuthu, Irular Kudiyirupu,
Pallapattu Village, Thindivanam Taluk,
Villupuram District.

Respondent(s)



PRAYER

To suspend the execution of the sentence against the petitioner/accused by the Spl.S.C.No.12 of 2021 on the file of the Learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Villupuram dated 30.12.2022 and enlarge the petitioner on bail, pending disposal of this appeal.

CRL A No. 1014 of 2023

PRAYER

To call for the records in Spl.SC.No. 12 of 2021 on the file of the Learned Session Judge, Special Court for exclusive trial of Cases Under POCSO Act, Villupuram adn set aside the judgment dated 30.12.2022 made in Spl.SC.No. 12/2021.

For Petitioner(s): Mr. P.Muthamizhselvakumar

For Respondent(s): Mr.V.Meganathan,
Govt. Advocate (Crl.Side)
For R1 and R2

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Villupuram, in Spl.S.C.No.12 of 2021 dated 30.12.2022 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.12 of 2021 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Villupuram. He was found guilty of the offences under



Section 366, 341, 506(i) of I.P.C. and Sec. 5 (1) r/w 6 of POCSO Act and he has been convicted and sentenced as under :-

S.No.	Conviction	Sentence
1	Section 366 of I.P.C.	to undergo rigorous imprisonment for a period of seven years and to pay fine of Rs.1,000/-, in default to undergo simple imprisonment for one month.
2	Section 341 of IPC	to undergo simple imprisonment for a period of one month.
3	Sec.506(i) of I.P.C.	To undergo simple imprisonment for a period of one year
4	Sec.5(1) r/w 6 of POCSO Act	to undergo rigorous imprisonment for a period of 20 years and to pay fine of Rs.5,000/-, in default to undergo simple imprisonment for three months.

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

3. The learned counsel for the petitioner/accused would submit that he has been falsely implicated in this case as if he had committed sexual assault to the victim girl, but in fact he has not committed any offence as alleged against him. He would submit that he is in custody from 29.10.2020 for more than five years. He would also submit that there are arguable points available in the Criminal Appeal and the petitioners/accused have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed



against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

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4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition and contended that at the time of occurrence, victim girl is aged about 12 years and he is aged about 37 years. He would submit that during covid-19 period, the petitioner taken her to a remote place and committed sexual assault to her. He would submit that he is a married man and both the victim girl and the petitioner were living in the same locality. Further, he would contend that he has no bad antecedents and 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. On seeing the facts, it reveals that both the victim and the petitioner were belong to same locality and he is a married man and having family, due to his incarceration, his family is struggling for their livelihood and he is in custody from on 29.10.2020 for more than five years and he has no bad



antecedents. Admittedly, now the victim girl is under the care of parents and she got married, having one male child and victim compensation has also been paid and he is ready to abide any condition imposed by this court. Considering that and 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 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, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Special Court for Exclusive Trial of cases under POCSO Act, Villupuram.**

(b) 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.

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(c) The petitioner shall appear before the respondent police on every Saturday at 10.30 a.m. for the period of three months 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 he shall not have any communication with the victim girl and her family 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.

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

27-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

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1. Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Villupuram.
2. The Deputy Superintendent Of Police, Villupuram Sub-Division, Villupuram District.
3. The Inspector Of Police, Villupuram All women Police Station, Villupuram District.
4. The Superintendent of Prison, Central Prison, Cuddalore.
5. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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