



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 18684 of 2025 IN CRL A NO. 1543 OF 2025

Samynathan

S/o.Thirumoorthy, 6/43, Kiluvankattur,

Elayamuthur, Udumalpet, Tiruppur-642

154.

Petitioner(s)

Vs

The State by, The Inspector of Police,

Komaralingam Police Station,

Komaralingam, Tiruppur - 642 204.

Cr.No.79/2022.

Respondent(s)

PRAYER: to Suspend the sentence imposed on the Appellant and enlarge the petitioner on bail in Special SC.No.86/2022 on the file of the Learned Sessions Judge Mahila Court (FAC), Tiruppur, dated 03.09.2024.

For Petitioner(s): K. Arun Gowtham

S.Manoj Vasanth

T.Subhiksha

M.Thiyageswaran

For Respondent : Mr.V.Meganathan, Government Advocate

**ORDER**

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This Criminal Miscellaneous Petition has been filed by the petitioner, to to suspend the sentence imposed against the petitioner in Special SC.No.86/2022 dated 03.09.2024 on the file of the Learned Sessions Judge Mahila Court (FAC), Tiruppur, and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2. The petitioner herein is the accused in Special SC.No.86 of 2022 on the file of the Learned Sessions Judge Mahila Court (FAC), Tiruppur. He was found guilty of the offence under Sections 5(1) r/w Section 6 of Protection of Children from Sexual offence Act, 2012 along with a fine of Rs.5,000/- and in default to undergo additional simple imprisonment for 3 months. Subsequently for section 9 of prohibition of Child Marriage Act and imposed to pay a fine of Rs.10,000/- in default to undergo further 3 months simple imprisonment. Further he was sentenced to undergo imprisonment for 5 years under section 366 of IPC along with a fine of Rs.5,000/- and in default to undergo additional simple imprisonment for 3 months. The Court ordered that these sentences run concurrently. Challenging the same, the present appeal has been filed.



3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal appeal and the petitioner/accused has got a fair chance of succeeding in the Criminal appeal and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He further submitted that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He would submit that the petitioner is ready to abide the condition imposed by this Court.

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



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(a) the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty thousand only), to the credit of Special SC.No.86/2022 on the file of the Learned Sessions Judge Mahila Court (FAC), Tiruppur without prejudice his defence, within a period of two 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 each for a like sum to the satisfaction of the Learned Sessions Judge Mahila Court (FAC), Tiruppur.

(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 Trial Court on every Monday 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.

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(e) the defacto complainant is permitted to withdraw the amount deposited by the petitioner in Special SC.No.86/2022 on the file of the Learned Sessions Judge Mahila Court (FAC), Tiruppur, on proper identification, in the manner known to law.

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

6. Considering the facts of the case, this Court is inclined to refer the matter under the Victim Compensation Scheme. Accordingly, the District Legal Services Authority, Tiruppur is directed to verify whether the compensation awarded in SC.No.86/2022 on the file of the Learned Sessions Judge Mahila Court (FAC), Tiruppur, dated 03.09.2024 is paid to the victim or not. If the said compensation is not paid they may refer the matter to the District Collector under the said Scheme. Thereafter, the District Collector is directed to provide the compensation to the victim girl, within a period of twelve weeks from the date of receipt of a copy of this order.



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

29-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To.

1. The Inspector of Police,
Komaralingam Police Station,
Komaralingam, Tiruppur - 642 204.

2. The Learned Sessions Judge Mahila Court (FAC), Tiruppur. .3. The Public
Prosecutor, High Court, Madras.



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T.V.THAMILSELVI, J.

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