



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.No.14171 of 2024
in Crl.A.No.1271 of 2024**

Jagini @ Duraisamy

...Petitioner

Versus

State Rep. by
Inspector of Police,
Brammadesam Police Station,
Villupuram District.
(Crime No.233/2019)

...Respondent

Prayer:

This Criminal Miscellaneous Petition is filed under Section 430 of BNSS, 2023 praying to suspend the sentence of imprisonment imposed in the Judgment dated 16.07.2024 made in Special Sessions Case No.58 of 2020 on the file of the learned Sessions Judge, Special Court for Exclusive



Trial of Cases under POCSO Act, Villupuram and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.K.Prabakar

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner seeking to suspend the sentence of imprisonment imposed on him by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram vide Judgment dated 16.07.2024 in Special Sessions Case No.58 of 2020 and enlarge him on bail pending disposal of the above Criminal Appeal.

2. The petitioner is an accused in Spl.S.C.No.58 of 2020 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram.

The petitioner/accused was found guilty of the offence under Section 6 of



POCSO Act, 2012 (2 counts) and Section 342 of IPC (2 counts). Therefore,

the trial Court vide Judgment dated 16.07.2024 in Spl.S.C.No.58 of 2020,

convicted the petitioner/accused and sentenced him as follows:

S.No.	Offence	Punishment
1	Under Section 6 (2 counts) of POCSO Act, 2012	To undergo 20 years rigorous imprisonment and to pay a fine of Rs.15,000/- for each count, in default, to undergo 6 months simple imprisonment for each count.
2	Under Section 342 (2 counts) of IPC	To undergo 6 months rigorous imprisonment and to pay a fine of Rs.1,000/- for each count, in default, to undergo 1 month simple imprisonment for each count.

3. The learned counsel for petitioner/accused submitted that petitioner/accused is a physically challenged person and he is one of the close relatives of victim children's family. Since there was a dispute among the victim children's family with regard to the second marriage of their mother/*de-facto* complainant with one Mr.Raguraman. That apart, the name of petitioner/accused was included in the FIR subsequently. Therefore, the learned counsel submitted that *de-facto* complainant (mother of the victim children) has falsely implicated the petitioner/accused in this case.



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3.1. It is further submitted by the learned counsel for petitioner/accused that petitioner/accused has been under incarceration for more than 1 year 4 months and he is ready to abide any condition to be imposed by this Court. Therefore, the learned counsel prayed that the substantive sentence imposed on the petitioner/accused may be suspended.

4. The learned Government Advocate (Crl.Side) appearing for respondent Police submitted that petitioner/accused had sexually abused both the victim children and he had committed aggravated penetrative sexual assault on both the victim children who are below the age of 12 years. Before the trial Court, the prosecution has proved the offence committed by the petitioner/accused beyond all reasonable doubt. Therefore, the learned Government Advocate (Crl.Side) for respondent Police submitted that he has serious objection for enlarging the petitioner/accused on bail.



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5. Heard the learned counsel on both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsel for petitioner/accused coupled with the quantum of punishment imposed on 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.

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



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shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (out of which, one surety should be blood surety), each for a likesum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram;

(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 before the respondent Police as and when required and also, he shall appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., till the disposal of Criminal Appeal and if he is not able to appear before the trial



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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 minor victim children and their family members.

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

19.11.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

To

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1.The Sessions Judge,
Special Court for Exclusive Trial of Cases
under POCSO Act,
Villupuram.

2.The Inspector of Police,
Brammadesam Police Station,
Villupuram District.

3.The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI, J.

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