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CRL MP No. 15451 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 15451 of 2024

AND

CRL A NO. 1351 OF 2024

Malayalathan @ Megam
S/o.Muthaiyan,
No.11, Veeran Kovil Street,
Pudhukuppam, Thavala Kuppam,
Pudhucherry.

Petitioner(s)

Vs

The State Rep By Its,
The Inspector Of Police,
Thavala Kuppam, Pudhucherry
Cr.No.45 Of 2013.

Respondent(s)

CRL MP No. 15451 of 2024

PRAYER

To suspend the sentence of imprisonment dated 23.04.2024 passed in S.C.No.54 of 2016 by the Principal Assistant Judge, Pudhucherry and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.



CRL A No. 1351 of 2024

PRAYER

To set aside the Judgment, conviction and sentence dated 23.04.2024 passed in S.C.No.54 of 2016 by the Principal Assistant Sessions Judge at Pudhucherry.

For Petitioner(s): Mr. C.D.Sugumar

For Respondent: Mr.M.V.Ramchandramoorthy
Addl. Public Prosecutor (Pudy.)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner seeking suspension of sentence imposed by the learned Principal Assistant Sessions Judge, Pudhucherry, in S.C.No.54 of 2016 dated 23.04.2024, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in S.C.No.54 of 2016 on the file of the learned Principal Assistant Sessions Judge, Pudhucherry. He was found guilty of the offences under Section 376(1) of IPC/BNS and he has been convicted and sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for a period of three months. Aggrieved by the same, the petitioner had filed this appeal and consequently, he filed 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 rape on the defacto complainant. He would submit that he is in judicial custody from the date of judgment i.e. 23.04.2024 for more than one year and six months. He would further 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.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition stating that on the date of alleged occurrence, the defacto complainant was forcibly taken by the petitioner to the remote place and attempted to commit rape. Hence, the complaint was lodged and the prosecution had also proved the case beyond reasonable doubt. Further, he would contend that at the time of occurrence, he is aged about 49 years and she is aged about 45 years and he has no previous antecedents. He would also 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. 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 and two daughters, due to his incarceration, his family is struggling for their livelihood and he is in custody from the date of judgment i.e. on 23.04.2024 for more than one year and six months and he has no bad antecedents and he is ready to abide 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 **shall deposit a sum of Rs.30,000/-**

(Rupees Thirty Thousand only) for the mental agony caused



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to her to the credit of S.C.No.54 of 2016 on the file of learned Principal Assistant Sessions Judge, Pudhucherry within a period of two weeks from the date of receipt of copy of this order. Failing which, the order passed by this Court shall stand automatically cancelled. On such deposit, the defacto complainant is permitted to withdraw the amount on filing undertaking affidavit and on production of proper identification and acknowledgement.

(b) 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 **Principal Assistant Sessions Judge, Pudhucherry.**

(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 report 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 defacto complainant 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.

17-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Principal Assistant Judge, Pudhucherry.
2. The Inspector of Police, Thavala Kuppam, Pudhucherry.
3. The Superintendent of Prison, Central Prison, Kalapet, Pudhucherry.
4. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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