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Crl.M.P.No.17033 of 2025 in  
Crl.A.No.1441 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2025

CORAM:

**THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI**

**Crl.M.P.No.17033 of 2025  
in Crl.A.No.1441 of 2025**

Vijayakumar

.... Petitioner

Vs

The State Rep. by  
The Inspector of Police,  
W-4, All Women Police Station,  
Kilpauk,  
Chennai – 600 010.  
(Crime No.9/2018)

.... Respondent

**PRAYER:** Criminal Miscellaneous Petition filed under Section 430 (1) B.N.S.S, to suspend the sentence imposed against the petitioner dated 29.11.2023 in S.C.No.67 of 2020 by the Learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Ms.S.Sadhana

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



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## **ORDER**

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed against the petitioner dated 29.11.2023 in S.C.No.67 of 2020 by the Learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai and enlarge the petitioner on bail pending disposal of the above criminal appeal.

2.The petitioner herein is the accused in S.C.No.67 of 2020 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai. He was found guilty for the offence under Section 6 of POCSO Act, 2012 and 506(ii) of IPC. After the trial in S.C.No.67/2020, the learned Sessions Judge (Special Court for Exclusive Trial of Cases under POCSO Act) Chennai by judgment dated 29.11.2023 had convicted the petitioner and sentenced to undergo rigorous imprisonment for 10 years and sentenced to undergo 3 years imprisonment and also to pay the fine of Rs.10,000/-. Aggrieved by the same, the present petition 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



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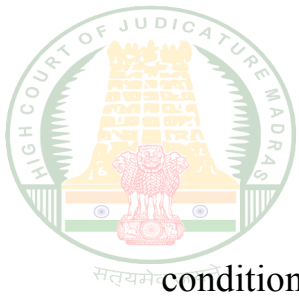
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has got a fair chance of succeeding in the Criminal Appeal. Learned counsel would further submit that the petitioner has been falsely implicated in this case by the prosecution and hence, the substantive sentence imposed against the petitioner/accused may be suspended and the petitioner is ready to abide any condition to be 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.

5.Heard the learned counsel appearing on either side and also perused the materials placed on record.

6.Considering the submissions of the learned counsel for the petitioner, coupled with the quantum of punishment imposed upon the petitioner and taking into consideration the fact that this criminal appeal is not likely to be taken for final hearing in the near future and considering the fact that the victim girl got married another man and living separately, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain



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

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- with two sureties, each for a likesum to the satisfaction of the trial court;

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

(iii) The petitioner shall 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 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;

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

15.09.2025

Index : Yes/No  
Neutral citation : Yes/No  
Speaking/non-speaking order  
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- 1.The Central Prison -1,  
Puzhal, Chennai.
- 2.The Sessions Judge,  
Special Court for Exclusive Trial of Cases under POCSO Act,  
Chennai.
- 3.The Inspector of Police,  
W-4, All Women Police Station,  
Kilpauk,  
Chennai – 600 010.  
(Crime No.9/2018)
- 4.The Public Prosecutor,  
High Court of Madras.



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**T.V.THAMILSELVI, J.**

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