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*Crl.M.P.No. 17260 of 2023
in Crl.A.No. 1224 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.M.P.No. 17260 of 2023
in
Crl.A.No. 1224 of 2023

Thavasimany

...Petitioner

Vs.

1. The State by its
The Inspector of Police,
H-4. Korukkupet Police Station,
Chennai -21.
(Crime No.93 of 2014)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed in SC No. 20 of 2016 dated 19.10.2023 passed by the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai – 600 104 and enlarge the petitioner on bail, pending disposal of the above criminal appeal.



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For Petitioner : Mr. R. Sankarasubbu
For Respondent : Mr. V. Meganthan,
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner to suspend the sentence imposed in SC No. 20 of 2016 dated 19.10.2023 passed by the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai – 600 104 and enlarge the petitioner on bail, pending disposal of the above criminal appeal.

2. The petitioners herein are the accused in S.C.No.20 of 2016 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai – 600 104. He was found guilty of the offences under Section 6 & 10 of POCSO Act and he has been convicted and sentenced to imprisonment for 7 years with a fine of Rs.1,00,000/- in default to undergo simple imprisonment for 6 months. Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition.



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3. The learned counsel for the petitioner/accused would submit that the petitioner was secretary in the hostel where victim girls stayed without which he has no way connected in this case but he has been falsely implicated in this case. Further he submits that petitioner is in jail for the past 2 1/2 years and he is ready to abide with any conditions and there are arguable points available in the Criminal Appeal and the petitioner/accused have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioners/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. Further, he would contend that the petitioner was treasurer of the hostel namely Uthavum Karangal where victim stayed at that time he had sexually abused the hostel mates, 7 victim girls gave a statement against him before the Trial Court. The evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt.



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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. Considering the facts and circumstances of the case, A1 was acquitted by the Trial Court and as per prosecution the victim girls are under the care of legal guardians and considering the 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



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alone suspended and bail are granted on the following conditions:

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(a) The petitioners/accused are ordered to deposit a sum of Rs.1,40,000/- to the credit of SC No. 20 of 2016 within a period to three weeks from the date of receipt of a copy of this order, on such deposit the petitioner 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 for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai – 600 104. The seven victim girls are permitted to withdraw a sum of Rs.20,000/- each through legal guardians. Further, the fact reveals that a sum of Rs.3,00,000/- compensation was awarded but as on date compensation was not received by the victim girls. Therefore, the legal service authority, Chennai, is directed to take steps to get the compensation from the District Collector within a period of 6 weeks from the date of receipt of a copy of this order and distribute the same proportionately to the victim girls

(b) The petitioners/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.

(c) The petitioners shall appear before the Trial Court on the first working day of every English Calendar month at 10.30



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a.m., until the disposal of the Criminal Appeal and if there are not able to appear before the trial Court on any day, they 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.

13.10.2025

pbl
To

1. The Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai – 600 10.
2. The Inspector of Police,
H-4. Korukkupet Police Station,
Chennai -21.
3. The Public Prosecutor,
Madras High Court,
Chennai.
4. The State Legal Service Authority,
Chennai.
5. The Central Prison, Puzhal, Chennai.



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T.V.THAMILSELVI. J

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