



WEB COPY

CRL MP No. 16828 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 16828 of 2025

AND

CRL A NO. 477 OF 2024

Chinnaraj
S/O.Kattaiyan,
No.734, M.G.R.Nagar, Thurugam
Colony, Padagam Village And Post,
Kalasapaakkam Taluk,
Thiruvannamalai District.

Petitioner(s)

Vs

State By Inspector Of Police,
All Women Police Station,
Thiruvannamalai.

Respondent(s)

CRL MP No. 16828 of 2025

PRAYER

To Suspend the sentence imposed on the petitioner / Appellant herein by the learned Sessions Judge (Special judge for POCSO Act Cases) Tiruvannamalai, Tiruvannamalai District made in Spl.SC.No.42/2019 by Judgment dated 29.12.2022 and enlarge him on bail pending disposal of the above Appeal on the file of this Court.



WEB COPY

CRL MP No. 16828 of 2025



For Petitioner(s): Mr. T.Shanmugam

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, (Special Court for POCSO Act Cases), Tiruvannamalai, in Spl.S.C.No.42 of 2019 dated 24.03.2025 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.42 of 2019 on the file of the learned Sessions Judge, (Special Court for POCSO Act cases), Tiruvannamalai. He was found guilty of the offences under Sections 375(B) r/w Sec. 376 of I.P.C. and Sec.3(b) r/w Sec.4 of POCSO Act, 2012 and he has been convicted and sentenced to undergo Rigorous Imprisonment for 10 years and to pay a fine of Rs.5000/- in default of payment of fine, to undergo simple imprisonment for one year. Aggrieved by the same, the petitioner had filed this appeal along with 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 sexual assault

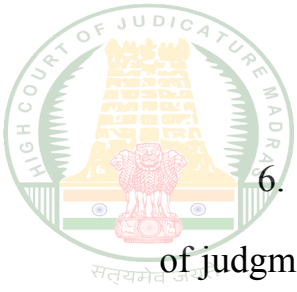


to the victim girl, but in fact he has not committed any offence as alleged against him. He would submit that he is in custody from the date of judgment

i.e. on 29.12.2022 for more than two years and nine months. He would further submit that due to his old age, he was suffered with age-related ailments. He would also 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 and contended that at the time of occurrence, the petitioner is aged about 58 years and as on date, he is aged about 64 years. He would submit that victim girl is aged about 12 years and he has committed sexual assault to the victim girl. Further, he would contend that he has no bad antecedents and 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.

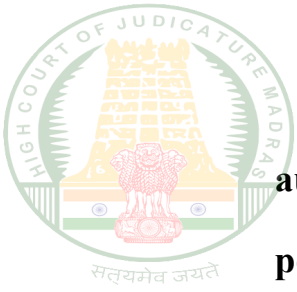
5. Heard the learned counsel appearing on either side and also perused the materials placed on record.



6. On seeing the facts, it reveals that he is in custody from the date of judgment i.e. on 29.12.2022 for more than two years and nine months and he has no bad antecedents and he is ready to abide any condition imposed by this court. Considering that and also considering his old age 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 to the victim girl to the credit of Spl. S.C.No.42 of 2019 on the file of learned Sessions Judge, (Special Court for POCSO Act), Tiruvannamalai, Tiruvannamalai Dt. 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**



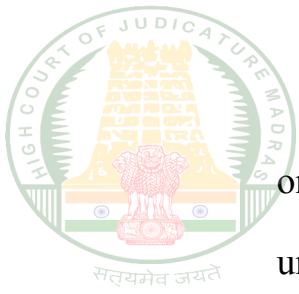
WEB COPY

automatically cancelled. On such deposit, the victim 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 Sessions Judge, (Special Court for POCSO Act), Tiruvannamalai, Tiruvannamalai Dt.

(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 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 victim girl and his family** and if he is not able to appear before the trial Court



WEB COPY

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. Furthermore, learned Government Advocate (Crl. Side) would submit that so far the victim compensation amount was not received by the victim girl. Hence, the respondent is directed to get the victim compensation as early as possible. With the above directions, this Criminal Miscellaneous Petition is ordered.

9. Post the matter on 20.11.2025.

23-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

rpp

To

1. Sessions Judge, (Special Court for POCSO Act), Villupuram, Villupuram Dt.
2. The Inspector of Police, All Women Police Station, Tiruvannamalai Dt..
3. The Superintendent of Prison, Central Prison, Vellore.
4. The Public Prosecutor, High Court, Madras.



WEB COPY

CRL MP No. 16828 of 2025



T.V.THAMILSELVI J.

rpp

**CRL MP No. 16828 of
2025
AND CRL A NO. 477 OF
2024**

23-09-2025