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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2025

CORAM:

THE HON'BLE MR.JUSTICE T.V.THAMILSELVI

Crl.M.P.No.18258 of 2023

in

Crl.A.No.923 of 2023

Manikandan @ Mailsasmy

...Petitioner

Vs.

State Rep by
Inspector of Police,
All Women Police Station,
Gobichettipalayam, Erode District.
(Crime No.9/2019)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence passed by the Session Judge, Magalir Neethimandram, Fast Track, Mahila Court, Erode, Special S.C.No.19 of 2020 dated 05.05.2021, and release the petitioner on bail pending disposal of the above Crl.A.No.923 of 2023 on the file of this Court.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr.V.Meganathan,

Government Advocate (Crl.side)



ORDER

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2. The petitioner herein is the third accused in Spl.S.C.No.19 of 2020 on the file of the learned Session Judge, Magalir Neethimandram, Fast Track, Mahila Court, Erode. He was found guilty of the offences under Sections 5(l), 5(m) r/w 6 of Protection of Children from Sexual Offences Act, 2012 and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 5(l), 5(m) r/w 6 of Protection of Children from Sexual Offences Act, 2012 (2 counts).	to undergo rigorous imprisonment for a period of 20 years each and to pay fine of Rs.1,00,000/- for each count (total Rs.2,00,000/-) and in default to undergo simple imprisonment for three months for each count.
2	Section 3(1)(w)(i) of SC/ST (POA) Amendment Act, 2015.	to undergo rigorous imprisonment for a period of two years and to pay fine of Rs.5,000/-, in default to undergo simple imprisonment for three 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/3rd accused would submit that there are arguable points available in the Criminal Appeal and the petitioner/3rd accused has 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. Further, he would 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. Considering the facts and circumstances of the case coupled with



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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 reliefs of suspension of sentence and bail are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on his executing a 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 trial Court;

(b) The petitioner/accused and the sureties shall affix his photograph and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of his Aadhaar Card or Bank Pass Book to ensure his identities.

(c) The petitioner shall appear before the Trial Court



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on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Revision 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.

09.09.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
kmm

To

1. The Sessions Judge, Magalir Neethimandram,
Fast Track, Mahila Court, Erode.

2. The Inspector of Police,
All Women Police Station,
Gobichettipalayam, Erode District.

3. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V.THAMILSELVI, J.

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