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CRL A No. 1408 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL A No. 1408 of 2025

AND

CRL MP NO. 16713 OF 2025

1. ASAITHAMBI

S/o.Subramani, No.3/172, Anna Street,
Elandhaikoodam, Ariyalur District

Appellant(s)

Vs

1. State rep by the Deputy

Superintendent of Police

Ariyalur Sub Division, AWPS, Ariyalur

cr.No.09 of 2023

2.Saritha

W/o.Manimaran, Indhira Nagar,

Elandhaikoodam, Ariyalur District

Respondent(s)

CRL MP No. 16713 of 2025

PRAYER

To suspend the sentence of imprisonment imposed in the judgement dated 07.08.2025 made in Spl.S.C.No.16 of 2024 on the file of the Ld.Additional District Sessions Judge, FAC, Fast track Mahila Court, Ariyalur and enlarge him on bail and thus render justice



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For Appellant(s): N.Ponraj
E.Shobana

For Respondent(s): Public Prosecutor For R1
Court Notice Served For R2
R-2 SARITHA W/o.Manimaran,
Indhira Nagar, Elandhaikoodam,
Ariyalur District
Private Notice Permitted - Proof
Not Filed

ORDER

This petition has been filed to suspend the sentence of imprisonment imposed in the judgement dated 07.08.2025 made in Spl.S.C.No.16 of 2024 on the file of the Ld.Additional District Sessions Judge, FAC, Fast track Mahila Court, Ariyalur and enlarge him on bail.

2. The petitioner herein is accused in Spl.S.C.No.16 of 2024 on the file of the Ld.Additional District Sessions Judge, FAC, Fast track Mahila Court, Ariyalur and Trial Court found the petitioner guilty and convicted and sentenced him under Section 10 of POCSO Act – 7 years Rigorous Imprisonment with fine of Rs.5,000/-, in default, 6 months Simple Imprisonment, under Section 3(2)(va) of SC/ST (POA) Act – 3 years Rigorous Imprisonment with fine of Rs.5,000/-, in default six months Simple



Imprisonment, Under Section 3(1)(r),(S) of SC/ST(POA) Act – 5 years

Rigorous Imprisonment with fine of Rs.5000/-, in default six months Simple

Imprisonment, Under Section 294(b) IPC – 3 months Rigorous Imprisonment

with fine of Rs.500/- in default one week Simple Imprisonment and also under

Section 506(i) IPC- 2 years Rigorous Imprisonment with fine of Rs.1000/- in

default, 3 months Simple Imprisonment. Aggrieved over the same, the petitioner

filed this appeal.

3. The learned counsel for the petitioner submits that the petitioner is aged about 56 years and he is in jail for 80 days. Further, he would submit that there are arguable points available in the appeal and the petitioner/accused has got a fair chance of succeeding in the appeal and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide any condition to be imposed by this Court.

4. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record.



Considering the submissions of the learned counsel for the petitioner, and the age of the petitioner and also he is in jail for the past 80 days and coupled with the quantum of punishment imposed upon the petitioner and taking into consideration the fact that this 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. Accordingly, till the disposal of the appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(i) The petitioner shall not have any communications with the victim girl.

(ii) the sentence of imprisonment alone, imposed on the petitioner/accused, shall be suspended, on his execution of a bond for a sum of Rs.25,000/- with two sureties, each for a likesum to the satisfaction of the trial court;

(iii) 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;

(iv) The petitioner shall appear before the Trial Court on every Tuesday at 10.00 a.m. 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;

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

26-09-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Additional District Sessions Judge(FAC), Fast Track Mahila Court, Ariyalur.
2. The Central Jail, Trichy.
3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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