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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP NO. 16887 OF 2025

IN CRL A No. 1430 of 2025

1. NAGAMUTHU

S/o. Arumugam, No.46, Hospital Street,
Mettupalayam, Puducherry. Presently
confined at Central Prison Kalapet,
Puducherry. Dharmapuri

Appellant(s)

Vs

1. The State rep by The Inspector of
Police
D Nagar Circle, Mettupalayam Police
Station, Puducherry. Crime
No.130/2014.Dharmapuri

Respondent(s)

CRL MP No. 16887 of 2025

PRAYER

To suspend the sentence imposed on the petitioner in Spl.S.C.No.38 of 2023 dated 25.08.2025 on the file of the Honble FTC exclusively to deal with offences under the POCSO Act(Sessions Judge) at Puducherry and enlarge the



petitioner on bail pending disposal of the Criminal Appeal.

CRLA No. 1430 of 2025

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For Appellant(s): Swami Subramanian
R.N. Sivakumar
M.P. Yuvaraj

For Respondent(s): Public Prosecutor For(
Puducherry

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner/accused in Spl.S.C.No.38 of 2023 dated 25.08.2025 on the file of the FTC exclusively to deal with offences under the POCSO Act(Sessions Judge) at Puducherry, (For the sake of convenience hereinafter referred to as Trial Court) and enlarge the petitioner/accused on bail pending disposal of the Criminal Appeal.

2. The learned senior counsel submits that by the judgment dated 25.08.2025 in Spl. S.C No. 38 of 2023 the Trial Court found the appellant guilty and convicted him for the offence under Section 10 of POCSO Act 2012(1 count) and sentenced to undergo 5 years Rigorous imprisonment and also imposed a fine of Rs.10,000/- , in default to undergo 1 month simple



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imprisonment. Further, the learned counsel for the petitioners/accused would 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 petitioners/accused may be suspended. Further, he submits that the petitioner/appellant is ready to abide any conditions.

3. 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.

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

5. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioners, also by considering the submissions of the learned counsel for the petitioner/accused 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.

6. 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/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 for a like sum to the satisfaction of the learned FTC exclusively to deal with offences under the POCSO Act (Sessions Judge), Puducherry.

(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 a.m., until the disposal of the Criminal Appeal and if there are not able to



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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.

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

10-09-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Fast Track Court exclusively to deal with offences under the POCSO ACT (Sessions Judge), Puducherry.

2. The Public Prosecutor, High Court, Madras.

3. The Central Prison, kalpet, Puducherry.



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T.V.THAMILSELVI J.

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