



WEB COPY

CRL MP No. 15702 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 15702 of 2024

AND

CRL A NO. 863 OF 2023

1. K.Suresh

S/o. Krishnan, Nagammal Kovil street,
Ammapettai, Thuraiyur, Trichy, (Now
Confined as Convict Prisoner Central
Prison, Coimbatore)

Petitioner(s)

Vs

1. State By

The Inspector Of Police, Mohanur
Police Station, Namakkal District
(cr.No. 459 Of 2021)

Respondent(s)

CRL MP No. 15702 of 2024

PRAYER

To suspend the sentence imposed against the petitioner on 29.11.2022 in Special CC.NO. 37 OF 2021, on the file of the Sessions Court, (Fast Track Mahila Court), Namakkal District and release the petitioner on bail till the disposal of the Criminal Appeal in Crl.A. No. 863 of 2023



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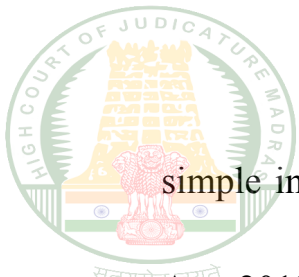
CRL MP No. 15702 of 2024

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

ORDER

This petition has been filed to suspend the sentence imposed against the petitioner on 29.11.2022 in Special CC.NO. 37 OF 2021, on the file of the Sessions Court, (Fast Track Mahila Court), Namakkal District and release the petitioner on bail till the disposal of the Criminal Appeal in Crl.A. No. 863 of 2023.

2. The case of the prosecution is that the petitioner had sexual intercourse with the victim girl. Based on the complaint of the defacto complainant respondent police registered FIR under Section 5(l), 5(j) and 5(n) r/w 6 of POCSO Act, 2012 and under Section 506 II of IPC in crime No. 459 of 2021. Thereafter, the final report has been filed the the Trial Court taken the case on file. After considering the oral and documentary evidence the Trial Court convicted the petitioner under Section 506(ii) IPC and sentenced to 7 years Rigoros Imprisonment and to pay a sum of Rs.5,000/-, in default to undergo



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simple imprisonment for 6 months, and convicted under Section 6 of POCSO Act, 2012 for the offence under Sections 5(l), 5(j) and 5(n) r/w 6 of POCSO

Act, 2012 and sentenced to undergo 20 years Rigorous Imprisonment and to pay a fine of Rs.5000/- in default to undergo simple imprisonment for 6 months.

Aggrieved over the same, the petitioner filed the appeal seeks suspension of sentence.

3. The learned counsel for the petitioners/accused would submit that the petitioner is in jail for the past three years and due to family dispute the petitioner has been falsely implicated in this case. Further, 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. He would submit that the petitioners are 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



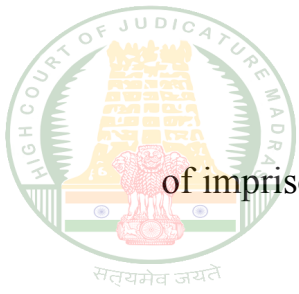
petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond

reasonable doubt and also he stated that victim got married and victim compensation paid to her and admits that the petitioner has no bad antecedents.

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 the quantum of punishment imposed upon the petitioner and he has no bad antecedents, also by considering the submissions of the learned counsel for the petitioners 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.

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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/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 Sessions Court, (Fast Track Mahila Court), Namakkal District.

(b) 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. Further, the petitioner not have any communication with the victim, if any deviation, this order will be cancelled.

(c) 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 if there are not able to appear before the trial Court on any day, they shall make



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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.

10-10-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Sessions Court, (Fast Track Mahila Court), Namakkal District.
2. The Central Prison, Coimbatore.
3. The Public Prosecutor, High Court, Madras.
4. The Inspector of Police,
Mohanur Police Station,
Namakkal District.



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T.V.THAMILSELVI J.
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