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Crl.M.P.No.17029 of 2025 in
Crl.A.No.351 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2025

CORAM:

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

**Crl.M.P.No.17029 of 2025
in Crl.A.No.351 of 2024**

Saravanan

.... Petitioner

Vs

The State Rep. by its
The Inspector of Police,
Tiruppur South All Women Police Station,
Tiruppur.
(Crime No.22 of 2021)

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 381 (1) Cr.P.C., to suspend the sentence imposed against the petitioner on 01.02.2024 in Spl.S.C.No.16 of 2022 on the file of the Learned Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Tiruppur, and release the petitioner on bail till the disposal of the Criminal Appeal.

For Petitioner : Mr.P.Pugalenth

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



Crl.M.P.No.17029 of 2025 in
Crl.A.No.351 of 2024

ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed against the petitioner on 01.02.2024 in Spl.S.C.No.16 of 2022 on the file of the learned Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Tiruppur and release the petitioner on bail till the disposal of the Criminal Appeal.

2.The petitioner herein is the accused in Spl.S.C.16 of 2022 on the file of the Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Tiruppur. He was found guilty for the offence under Sections 5(1), 5(j)(ii) r/w Section 6 of POCSO Act and convicted and sentenced to undergo rigorous imprisonment for 20 years and to pay the fine of Rs.10,000/- in default, sentenced to undergo rigorous imprisonment for 3 months. Aggrieved by the same, the present petition has been filed.

3.The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Appeal and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal. Learned counsel would further submit that the petitioner has been falsely implicated in this case



Crl.M.P.No.17029 of 2025 in
Crl.A.No.351 of 2024

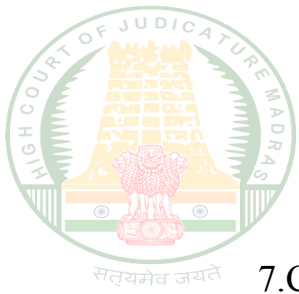
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by the prosecution and no independence witness was examined. Hence, the substantive sentence imposed against the petitioner/accused may be suspended and the petitioner is ready to abide any condition to be imposed by this Court.

4.Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition.

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

6.On perusal of DNA Test Report, it is seen that the petitioner is the biological father of the child born to the victim girl. Considering the fact that the victim girl having child and living with her mother, this Court is of the view that the petitioner may be directed to pay a sum of Rs.3,00,000/- to the credit of Spl.S.C.No.16 of 2022, on the file of Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Tiruppur, for the welfare of the victim girl's child.



Crl.M.P.No.17029 of 2025 in
Crl.A.No.351 of 2024

WEB COPY

7.Considering the submissions of the learned counsel for the petitioner, coupled with the quantum of punishment imposed upon the petitioner and taking into consideration the fact that 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. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(i) the petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three lakhs only) to the credit of Spl.S.C.No.16 of 2022, on the file of Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Tiruppur, within a period of two weeks from the date of receipt of a copy of this order. Failing which, the order passed by this Court shall stand automatically cancelled.

(ii) On such deposit being made, the trial Court shall redeposit the said amount in a Fixed Deposit in the name of the child born to the victim girl in any one of the Nationalized Banks, renewable thereafter periodically. The disbursal of this amount shall be decided at the culmination of the Criminal Appeal;



Crl.M.P.No.17029 of 2025 in
Crl.A.No.351 of 2024

WEB COPY

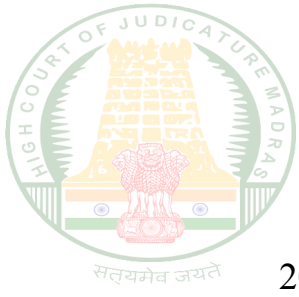
(iii) The victim girl is entitled to receive the accrued interest for the welfare of her child until the minor child attains majority.

(iv) On the failure of the petitioner/accused depositing the above said amount, it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence.

(v) On the petitioner depositing the amount as stated clause (i) supra, 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;

(vi) 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;

(vii) 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 appeal 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,



Crl.M.P.No.17029 of 2025 in
Crl.A.No.351 of 2024

WEB COPY

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;

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

15.09.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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Crl.M.P.No.17029 of 2025 in
Crl.A.No.351 of 2024

WEB COPY

- To
- 1.The Central Prison,
Coimbatore.
 - 2.The Sessions Judge,
Magalir Neethi Mandram (Fast Track Mahila Court),
Tiruppur.
 - 3.The Inspector of Police,
Tiruppur South All Women Police Station,
District – Tiruppur.
(Crime No.22/2021)
 - 4.The Public Prosecutor,
High Court of Madras.



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Crl.M.P.No.17029 of 2025 in
Crl.A.No.351 of 2024

T.V.THAMILSELVI, J.

pam

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in Crl.A.No.351 of 2024

15.09.2025