



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 16988 of 2025

IN

CRL A NO. 194 OF 2025

1. Mahendran,
S/O. Sundaram, D.No. 4/227,
Pothukolli, Kaiunni, Erumadu, Nilgiri
District, (Now Confined As A Convict
Prisoner In The Central Prison
Coimbatore)

Petitioner(s)

Vs

1. State By, The Inspector Of Police,
Erumadu Police Station, Nilgiri
District. (Crime No. 8/2018)

Respondent(s)

PRAYER

To suspend the sentence imposed against the petitioner on 07.10.2022 in Spl.CC.No.2/2019, on the learned Sessions Judge, Magalir Neethimandram, (FTMC), Udthagamandalam at Nilgiris and release the petitioner on bail till the disposal of the Criminal Appeal.



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For Petitioner(s): P.Pugalenth
G. Muralidharan

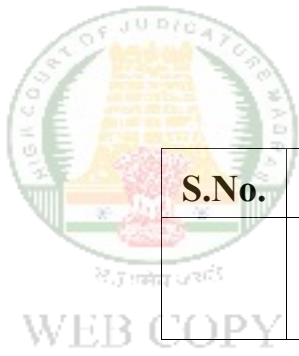
For Respondent(s): Public Prosecutor

ORDER

This petition has been filed to suspend the sentence imposed against the petitioner on 07.10.2022 in Spl.CC.No.2/2019, on the learned Sessions Judge, Magalir Neethimandram, (FTMC), Udhagamandalam at Nilgiris and release the petitioner on bail till the disposal of the Criminal Appeal.

2. The petitioner herein is the accused in Spl.S.C.No.2 of 2019 on the file of the learned Sessions Judge, Magalir Neethimandram, (FTMC), Udhagamandalam at Nilgiris. He was found guilty of the offences under Section 366 A of IPC and Section 5(l) r/w 6 of POCSO Act 2012 and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 5(l) r/w 6 of POCSO Act, 2012	to undergo rigorous imprisonment for a period of 20 year and to pay fine of Rs.5,000/-, in default to undergo simple imprisonment for 6 months.
2	Section 366 A IPC	to undergo rigorous imprisonment for a period of 5 year and to pay fine of Rs.5,000/-, in



S.No.	Conviction	Sentence
		default to undergo simple imprisonment for three months.

Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that the petitioner has been falsely implicated in this case and in fact, the petitioner had love affair with victim girl and eloped with her. The petitioner is married person, who have two children, due to the conviction of the petitioner all family members are starving. 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 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 stating that the victim was aged about 17 years at the time of occurrence and the petitioner is friend of the victim's father. The petitioner has kidnapped



the victim girl to Tirppur, where he stayed with her for nearly two months and committed penetrative sexual assault. After one months, the parents of the victim found them and gave a complaint before the Respondent police. 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. As on date, the victim got married and the family of the petitioner living without any source of the income and considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, 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.



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 Judge, Magalir Neethimandram, (FTMC), Udhagamandalam at Nilgiris. The petitioner has caused mental agony to the victim's family, hence, the petitioner is directed to deposit a sum of Rs.50,000/- before the Trial Court within a period of four weeks from the date of his release and victim's family is permitted to withdraw the same. Apart from that the Trial Court has granted only Rs.50,000/- as compensation which is very meagre. Considering the gravity of the offence and the pain suffered by the victim girl, this Court is inclined to award additional compensation of Rs.1,50,000/- to the victim girl. Hence, the Secretary, District Legal Service Authority, Nilgiris District at Udhagamandalam is directed to refer this matter to The District Collector, Nilgiris, in order to get compensation within a period of two weeks from the date of receipt of a copy of this order.



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(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 shall not have any communication with the victim girl and her family.

(c) The petitioner shall appear before the Trial Court on the first and last 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 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.

30-10-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Sessions Judge, Magalir Neethimandram, (FTMC), Udhagamandalam at Nilgiris.
2. The Central Prison, Coimbatore.
3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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