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CRL MP No. 18819 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 18819 of 2025

AND

CRL A NO. 24 OF 2025

Maheshkumar
S/O.Palani, No.4/240, Vinayagar Kovil
Street, Madhapur, Palladam, Thirupur
District.

Petitioner(s)

Vs

State by, The Inspector of Police
Kamanayagan Palayam Police Station,
Thirupur District. Cr.No.395/2021

Respondent(s)

PRAYER

To Suspend the sentence imposed against the petitioner on 9.06.2024 in Spl.SC.No.24/2022 on the file of the Sessions Court, Magalir Neethimandram (FTMC) Thirupur District and enlarge the petitioner on bail till the disposal of the Criminal Appeal in Crl.A.No.24/2025.



CRL A No. 24 of 2025

PRAYER

To call for the records and set aside the conviction and sentence imposed against the appellants on 19.06.2024 in SPL. SC no 24 of 2022 on the file of the Sessions Court, Magalir Neethimadram (FTMC) Thirupur District and acquit the appellants.

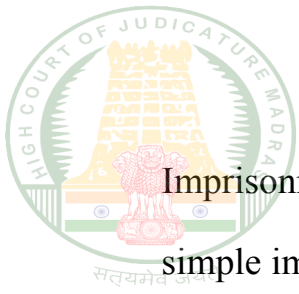
For Petitioner(s): Mr.P.Pugalenth

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner seeking suspension of sentence imposed by the learned Sessions Judge, Magalir Neethimandram, (FTMC), Tiruppur in Spl. S.C.No.24 of 2022 dated 19.06.2024, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl. S.C.No.24 of 2022 on the file of the learned Sessions Judge, Magalir Neethimandram, (FTMC), Tiruppur. He was found guilty of the offences under Section 5(I) and 6 of POCSO Act and he has been convicted and sentenced to undergo Rigorous Imprisonment for 20 years and to pay a fine of Rs.5000/- in default of payment of fine, to undergo simple imprisonment for three months. He was further convicted under Sec.366(A) of I.P.C. and sentenced to undergo Rigorous



Imprisonment for 3 years and to pay a fine of Rs.2000/-, in default to undergo simple imprisonment for the period of three months. Aggrieved by the same, the petitioner had filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that he has been falsely implicated in this case, but in fact he had a love affair with the victim girl, however, they got misunderstanding and got separated. But, the defacto complainant gave a false complaint as if he had committed sexual assault to the victim girl. He would submit that he has not committed any offence as alleged against him. He would submit that he is in custody during the period from 19.11.2021 to 31.12.2021 and from 19.06.2024 for more than sixteen months. He would also 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 petitioner/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 and contended that as on date the victim girl got married and subsequently he got married. Further, he would contend that he has no bad antecedents and the evidences recorded from the prosecution witnesses would

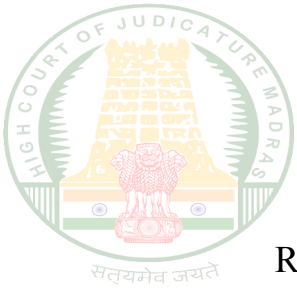


prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

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

6. According to the prosecution, as on date, the victim girl was also got married and subsequently, the petitioner got married and having one female child, due to his incarceration, his family is struggling for their livelihood and he is in custody from 19.06.2024 for more than 16 months and he has no bad antecedents. Considering that 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 petitioner 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:



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(a) the petitioner/accused shall deposit a sum of Rs.25,000/- for the mental agony caused to her into the credit of Spl.S.C.No.24 of 2022 on the file of Sessions Court, Magalir Neethimandram (FTMC), Tiruppur District and on such deposit, the defacto complainant is permitted to withdraw the same on filing undertaking affidavit.

(b) 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, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Sessions Court, Magalir Neethimandram (FTMC), Tiruppur Dt.**

(c) 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.

(d) **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 he shall not have any communication with the victim girl and his family 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 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.

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

10-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Sessions Court, Magalir Neethimandram (FTMC), Tiruppur.

2. The Inspector of Police

Kamanayagan Palayam Police Station, Thirupur District.

3. The Superintendent of Prison, Central Prison, Coimbatore.

4. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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