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CRL MP No. 18178 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 18178 of 2025

AND

CRL A NO. 805 OF 2025

1. Kumaresan

S/o.Mr. Ponnusamy, Deviyakuruchi
Post, Attur Taluk, Salem District.

Petitioner(s)

Vs

1. The State by Inspector of Police
All Women Police Station, Villupuram
District. Crime No. 3 of 2018.

Respondent(s)

PRAYER

To Suspend the sentence of imprisonment passed by the trail court the Hon'ble Sessions Judge, Mahalir neethimandram (Mahila Fast Track Court) Villupuram dated 14.05.2025 in SC.No.72/2020 and direct the release of the petitioner/Appellant, pending disposal of the appeal in the interest of justice and equity.

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For Petitioner(s): M/s. S.Kingston Jerold



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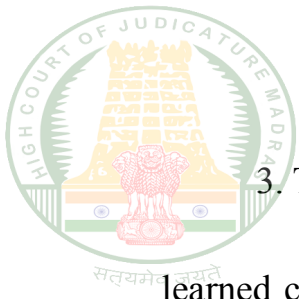
G.Rheefna
K.Vidhyadharan
S.Sabarish

For Respondent(s): Public Prosecutor

ORDER

This petition has been filed to suspend the sentence of imprisonment passed by the trial court the Sessions Judge, Mahalir neethimandram (Mahila Fast Track Court) Villupuram dated 14.05.2025 in SC.No.72/2020 and direct the release of the petitioner/Appellant, pending disposal of the appeal.

2. The petitioner herein is accused in S.C No. 72 of 2020 on the file of the Sessions Judge, Magalir Neethi Mandram(Mahila Fast Track Court, Villupuram. He was convicted for the offence under Section 376 IPC and sentenced to undergo 10 years rigorous imprisonment and pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment of 6 months and convicted under Section 417 IPC and sentencing to undergo 6 months simple imprisonment and pay a fine of Rs.5,000/- in default, to undergo further period of one months simple imprisonment. Aggrieved over the same, the petitioner filed this petition for suspension of sentence.



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3. The victim along with her daughter appeared before this Court. The learned counsel for the petitioner submits that the petitioner was in jail for the past 7 months and the petitioner is surviving with wife, two daughters and aged father. Now, the petitioner is ready to abide with any conditions. Hence, he prays to suspend the sentence.

4. Victim appeared along with her minor daughter born for the petitioner. According to the victim, suppressing the previous marriage the petitioner had developed intimacy with her and gave birth to the child and thereafter refused to marry her. At the time of the alleged occurrence, she was aged about around 20 years.

5. As on date, victim and her daughter live under the care of her mother. Father and the wife of the petitioner appeared before this Court, submit that he is aged about 68 years and was not aware of the alleged relationship between the petitioner and the victim. However, he ready to abide with any conditions.

6. On perusal of the records, it reveal that a sum of Rs.5 lakhs was awarded as victim compensation but it not yet given to the victim though it was ordered long back. Legal Service Authority, Villupuram, is directed to pass the



order and refer the matter to the District Collector, Villupuram, to get compensation for the victim within a period of 12 weeks. On receipt of such compensation, Rs.3 lakhs is ordered to be deposited in the victim's daughter's account in any of the nationalized bank until attaining majority and the victim can utilize the remaining sum of Rs.2 lakhs.

7. 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.

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

9. 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.

10. 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, Mahalir neethimandram (Mahila Fast Track Court) Villupuram. Further, the petitioner is directed to deposit a sum of Rs.2 lakhs to the credit of the victim's daughter's account within a period of 12 weeks from the date of his release.

(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.



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(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 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.

11. 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 Judge, Mahalir neethimandram (Mahila Fast Track Court) Villupuram.

2. The Central Prison, Salem.

3. The Public Prosecutor, High Court, Madras.

4. The Inspector of Police,
All Women Police Station,
Villupuram District.



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T.V.THAMILSELVI J.
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