



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.10.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.No.18740 of 2025
in Crl.A.No.587 of 2024**

Santhoshkumar @ Chettiyar

...Petitioner

Versus

The State Rep. By
The Inspector of Police,
W-24, All Women Police Station,
Teynampet, Chennai.

...Respondent

Prayer:

This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023 and Section 389(1) of Cr.P.C. praying to suspend the sentence passed in Spl.S.C.No.114 of 2021 pending on the file of the learned Special Judge for POCSO Cases, Chennai and release the accused on bail pending disposal of the Criminal Appeal No.587 of 2024 on the file of this Court.

For Petitioner : Mr.V.K.Sathiamurthy

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



ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner/Accused No.1 seeking to suspend the sentence imposed on him by the learned Special Judge for POCSO Case, Chennai vide Judgment dated 18.12.2023 in Spl.S.C.No.114 of 2021 and to enlarge him on bail pending disposal of the above Criminal Appeal.

2. The case of the prosecution is that petitioner/Accused No.1 and Accused No.2 are husband and wife. P.W.1 (mother of the victim girl) was living as a tenant in the house of accused. Accused No.2 was working as a Supervisor in a school and P.W.1 (mother of the victim girl) was working as a Nanny in the very same school. The victim girl was studying 11th Standard in a Government School. Accused No.2 frequently called the victim girl through P.W.1, for doing domestic works at her house. When the victim girl visited the house of Accused No.2, leaving the victim girl in the house, Accused No.2 went out along with her son. While leaving the victim girl in the house, Accused No.2 locked the house door from outside. By that time, petitioner/Accused No.1 showed obscene films to the victim



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girl and forced the victim girl to have sex with him, but, the victim girl refused to do so. After one week, the victim girl had mensuration pain and thus, P.W.1 (mother of the victim girl) took the victim girl along with her to her working place. The next day, victim girl did not went to school as she had mensuration pain. That day, Accused No.2 called the victim girl to her house. Leaving the victim girl in her house, Accused No.2 went to her job. At that time, petitioner/Accused No.1 sent his son out to buy tiffin and after his son left the house, petitioner/Accused No.1 showed obscene film to the victim girl and forcibly he had sexual intercourse with the victim girl. Already, since the victim girl had mensuration pain, due to the alleged act of petitioner/Accused No.1, she screamed out of pain. Blood came out from the vagina of victim girl. Then, petitioner/Accused No.1 left the victim girl and asked her to clean the blood stain in the floor. The petitioner/Accused No.1 threatened the victim girl that not to disclose the same to anyone else and if she discloses anything to anyone, he would do something against her and her mother. From the month of March, 2019 till 06.11.2019, petitioner/Accused No.1 repeatedly had sexual intercourse with the victim girl and also, threatened her that not to disclose the same to anyone else.



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Accused No.2 (wife of Accused No.1) also acted in a way to abet the alleged offence committed by petitioner/Accused No.1 and threatened the victim girl that not to disclose the same to anyone else. When P.W.1 (mother of the victim girl) came to know about the sexual assault committed by the petitioner/Accused No.1, she gave a complaint to the respondent Police. Based on the complaint given by P.W.1 (mother of the victim girl), the respondent Police registered a case in Crime No.07 of 2019 against the accused and conducted investigation. After the completion of investigation, the respondent Police had filed a Charge Sheet before the trial Court. The said Charge Sheet was taken on file in Spl.S.C.No.114 of 2021. The petitioner/Accused No.1 was found guilty for the offence under Section 6 of the POCSO Act, 2012 and Section 506(ii) of IPC. The learned Special Judge for POCSO Case, Chennai vide Judgment dated 18.12.2023 in Spl.S.C.No.114 of 2021, convicted the petitioner/Accused No.1 and sentenced him to undergo rigorous imprisonment for a period of 10 years and to pay a fine of Rs.1,00,000/-, in default, to undergo 3 months simple imprisonment for the offence under Section 6 of POCSO Act, 2012 and also, sentenced him to undergo imprisonment for a period of 3 years for the



offence under Section 506(ii) of IPC. Aggrieved by the said conviction and sentence, the petitioner/Accused No.1 has preferred the present Criminal Appeal before this Court.

3. The learned counsel for the petitioner/Accused No.1 submitted that petitioner/Accused No.1 examined himself as D.W.1. The petitioner/Accused No.1 was working an Auto Driver in Subrayan Street Auto Stand opposite to Passport Office. One Mr.Nagarajan who was the Treasurer of the said Auto Stand misappropriated the funds of Auto Stand. The said Nagarajan had died. After his demise, the Auto Stand subscription amount was given to the members for interest. Likewise, the subscription amount was given to one Mr.Chandru (husband of P.W.6) and one Mr.Ajay. Since the said Nagarajan had passed away, petitioner/Accused No.1 demanded the money from said Chandru and Ajay and thus, the said Chandru and Ajay had beaten the petitioner/Accused No.1. Therefore, petitioner/Accused No.1 compelled the said Chandru (husband of P.W.6) to vacate the house, due to which, there was a quarrel between the said Chandru (husband of P.W.6) and petitioner/Accused No.1.



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3.1. It is further submitted by the learned counsel for the petitioner/accused that P.W.1 (mother of the victim girl) and P.W.6 (Mrs.Thilaga) were residing as tenants in the house of petitioner/Accused No.1. It is also submitted that P.W.1 (mother of the victim girl) was not regular in payment of rents and there are number of criminal cases pending against P.W.6 (one of the tenants of petitioner/Accused No.1). Therefore, petitioner/Accused No.1 and his wife (Accused No.2) asked P.W.1 and P.W.6 to vacate the houses.

3.2. It is submitted by the learned counsel for the petitioner/Accused No.1 that since there was a previous enmity between P.W.1 (mother of the victim girl) and petitioner/Accused No.1, P.W.1 gave a false complaint against the petitioner/Accused No.1 stating that her daughter (victim girl) was sexually assaulted by petitioner/Accused No.1.

3.3. The learned counsel for the petitioner/Accused No.1 submitted that petitioner/Accused No.1 has no previous criminal antecedents and he



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has been falsely implicated in this case and he is ready to abide any condition to be imposed by this Court.

3.4. The learned counsel for the petitioner/Accused No.1 also submitted that petitioner/Accused No.1 has a fair chance of succeeding in the Criminal Appeal. Therefore, the learned counsel for the petitioner/Accused No.1 prayed that the substantive sentence imposed on the petitioner/Accused No.1 may be suspended.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that petitioner/Accused No.1 had committed penetrative sexual assault on the victim minor girl aged about 15 years and the offence committed by the petitioner/Accused No.1 has also been proved beyond all reasonable doubts. He further submitted that the family of the victim girl has vacated from the house of petitioner/Accused No.1.

5. Heard the learned counsel for the petitioner/Accused No.1 and the learned Government Advocate (Crl.Side) for the respondent Police.



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6. Considering the submissions made by the learned counsel for the petitioner/Accused No.1 coupled with the quantum of punishment imposed on the petitioner/Accused No.1 and taking into consideration of the fact that the Criminal Appeal is likely to be taken up for final hearing in the near future, this Court is inclined to suspend the substantive sentence of imprisonment alone.

7. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(i) The sentence of imprisonment imposed on the petitioner/Accused No.1 shall be suspended and the petitioner/Accused No.1 shall be released on bail on condition that he shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a likesum to the satisfaction of the trial Court;

(ii) The petitioner/Accused No.1 and the sureties shall affix their photographs and Left Thumb Impressions in the



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surety bonds and the trial Court may obtain a copy of their Aadhaar Card or Bank Pass Book and their mobile numbers to ensure their identity;

(iii) The petitioner/ Accused No.1 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 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, 2023 and shall appear before the trial Court on any other day in lieu of his absence, as directed by the trial Court;

(iv) The petitioner/Accused No.1 shall not have any communication with the family of victim girl;

8. As regards the compensation awarded to the victim girl is concerned, this Court directs the District Legal Services Authority, Chennai to verify whether the compensation awarded to the victim girl by the trial Court in Spl.S.C.No.114 of 2021 has been paid to the victim girl or not, if



not, refer the matter to District Collector, Chennai for taking appropriate action to disburse the compensation to the victim girl, within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above directions, this Criminal Miscellaneous Petition is allowed.

16.10.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

Note: Registry is directed to list the Criminal Appeal No.587 of 2024 for hearing on 07.01.2026.

To

- 1.The Special Judge for POCSO Case,
Chennai.
- 2.The Inspector of Police,
W-24, All Women Police Station,
Teynampet, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.
- 4.The District Legal Services Authority,
Chennai.



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T.V.THAMILSELVI, J.

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