



WEB COPY

CRL MP No. 17535 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 17535 of 2025

AND

CRL A NO. 628 OF 2025

1. Sheik Sadham Ussain
S/O Sheik Alavudeen, D.No.15,
Jeevanantham Street, Marapalam,
Erode District.

Petitioner(s)

Vs

1. The State Rep By, The Inspector of
Police
Erode All Women Police Station, Erode
District. Crime No.11 of 2021.

Respondent(s)

CRL MP No. 17535 of 2025

PRAYER

To suspend the sentence and enlarge the petitioner on bail imposed in Special Sessions Case No.69 of 2021 dated 24.02.2025, on the file of the Special Session Judge, Mahalir Neethimandram (Fast Track Mahila Court) pending disposal of the above Crl.A.No.628 of 2025.



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For Petitioner(s): M/s.C.S. Saravanan
M.Vignesh

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

ORDER

This petition has been filed to suspend the sentence and enlarge the petitioner on bail imposed in Special Sessions Case No.69 of 2021 dated 24.02.2025, on the file of the Special Session Judge, Mahalir Neethimandram (Fast Track Mahila Court) pending disposal of the above Crl.A.No.628 of 2025.

2. The petitioner herein is accused in Special Sessions Case No.69 of 2021 on the file of the Special Session Judge, Mahalir Neethimandram (Fast Track Mahila Court). The trial Court found the petitioner guilty and convicted him to undergo 20 years Rigorous imprisonment and to pay a fine of Rs. 5000/-, in default, to undergo 3 months simple imprisonment for the offence under Section 5(l) punishable under Section 6 of POCSO Act and sentenced to undergo 1 month simple imprisonment for offence under Section 451 IPC and



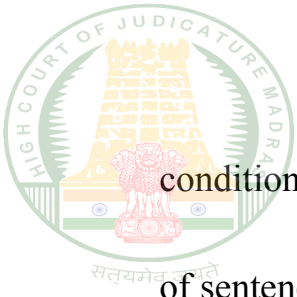
acquitted for the offence under Section 366 IPC. Aggrieved by the same, the petitioner filed the appeal.

3. The learned counsel for the petitioner submits that the petitioner was suffered with alcohol related chronic pancreatitis to that effect he produced the medical records. Further, he submits that the petitioner is in jail for the past six years. In fact, the petitioner had love affair with victim but the false case foisted against the petitioner. Hence, he prays to suspend the sentence.

4. The learned Government Advocate raised objection to suspend the sentence.

5. Heard both sides.

6. On perusal of the statement of the victim girl recorded under Section 164 Cr.P.C, it reveals that the victim girl had love affair with the petitioner and they were eloped. However, on considering the medical records the petitioner is suffered with alcohol related chronic pancreatitis and he was in jail for the past six years and taking into consideration the fact that this 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 appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

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(i) The petitioner shall not have any communications with the victim girl.

(ii) 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;

(iii) 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;

(iv) The petitioner shall appear before the Trial Court on on every Tuesday at 10.00 a.m. 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 the date of his absence, as directed by the trial Court;

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

24-09-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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T.V.THAMILSELVI J.

To

1. The Ses
2. sions Judge, Magalir Neethi Mandram(Fast Track Court,) Erode.
2. The Central Prison, Coimbatore.
3. The Public Prosecutor High Court, Madras.

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