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CRL MP No. 17900 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. 17900 of 2025

in

CRL A NO. 931 OF 2023

Sathish @ Pavadai
S/o.Murugesan,
No.6, Muthumariamman Kovil street,
Vambakeerapalayam, Puducherry.
(The petitioner now confined in the
Central Prison, Kalapat, Puducherry)

Petitioner(s)

Vs

The State Rep. by the Inspector of
Police,
Mudalirapet Police Station, Puducherry.
(Crime No.145 of 2016)

Respondent(s)

PRAYER: This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, to suspend the sentence and bail imposed in Spl.S.C.No.3 of 2017 dated 2.9.2022 passed by the special court for POCSO Act puducherry and enlarge the bail pending disposal of the above Crl.A.No.931 of 2023 on the file of this Court.



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For Petitioner(s): Mr.R.Sankarasubbu

For Respondent(s): Mr.K.S.Mohandass
Public Prosecutor (Puducherry)

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence and bail imposed in Spl.S.C.No.3 of 2017 dated 2.9.2022 passed by the special court for POCSO Act, Puducherry and enlarge the bail pending disposal of the above CrI.A.No.931 of 2023 on the file of this Court.

2. The petitioner herein is the accused in Spl.S.C.No.3 of 2017 dated 02.09.2022 was convicted (i) Under Section 4 of POCSO Act, 2012 and sentenced to 10 years RI and to pay sum of Rs.1,000/- in default under simple imprisonment for 6 months; (ii) Under Section 6 of POCSO Act, 2012, and sentenced to 10 years RI and to pay a sum of Rs.1,000/- in default to undergo simple imprisonment of 6 months (iii) Under Section 9 of Prohibition of Child Marriage Act, 2006 and sentenced to 2 years RI and (iv) Under Section 363 of IPC and sentenced to 3 years RI and to pay a sum of Rs.1,000/- in default to undergo simple imprisonment for 6 months. Aggrieved by the same, the



petitioner has filed the above appeal along with this petition seeking suspension of sentence.

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3. The case of the prosecution is that the petitioner has been falsely implicated in this case, as if the petitioner has sexual relationship with 16 years old victim girl. Due to which, the petitioner is in imprisonment for more than 3 ½ years. Hence, the case.

4. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Appeal and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case. It is also submitted that due to the custody of the petitioner, his children are starving. He would further submit that the petitioner is ready to abide the condition imposed by this Court.

5. Heard the learned counsel for the petitioner as well as the learned



Public Prosecutor appearing for the respondent and also the perused the materials available on record.

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

(a) the petitioner/accused is ordered to be released on bail, on executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, **in which one surety must be a blood surety** for a like sum to the satisfaction of the Special Court under POCSO ACT, Puducherry.

(b) The petitioner/accused 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 Cards or Bank Pass Books to ensure their identities.

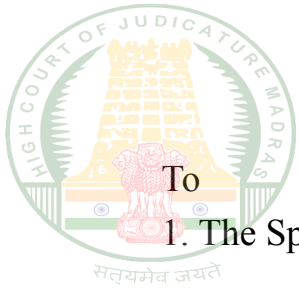
(c) The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 355 of BNSS, 2023 and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

(d) the petitioner shall not to have any communication with the victim girl and her family.

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

24-09-2025

Jd



To

1. The Special Court under POCSO Act, Puducherry.

2. The Inspector of Police,
Mudalirapet Police Station, Puducherry.

3. The Public Prosecutor,
High Court, Chennai.

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T.V.THAMILSELVI J.

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