



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.10.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.No.18199 of 2025
in Crl.A.No.1037 of 2023**

Sabthagiri

...Petitioner

Versus

State Represented by
Inspector of Police,
All Women Police Station,
Erode,
Erode District.
(Cr.No.473 of 2020)

...Respondent

Prayer: This Criminal Miscellaneous Petition is filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to suspend the sentence of imprisonment imposed in the Judgment dated 29.08.2023 made in Spl.S.C.No.76 of 2021 on the file of the Court of Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Erode and enlarge the appellant on bail pending disposal of the above Criminal Appeal before this Court.

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



ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner seeking to suspend the sentence imposed on him by the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Erode vide Judgment dated 29.08.2023 in Spl.S.C.No.76 of 2021 and to enlarge him on bail pending disposal of the above Criminal Appeal.

2. The petitioner is the accused in Spl.S.C.No.76 of 2021 on the file of Magalir Neethi Mandram (Fast Track Mahila Court), Erode. The petitioner/accused was found guilty of the offence under Sections 5(1), 5(n), 5(j)(ii) punishable under Section 6 of the POCSO Act, 2012. Therefore, the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Erode vide Judgment dated 29.08.2023 in Spl.S.C.No.76 of 2021, convicted the accused and sentenced him to undergo rigorous imprisonment for a period of 20 years and to pay a fine of Rs.5,000/-, in default, to undergo 3 months simple imprisonment. Aggrieved by the said conviction and sentence, petitioner/accused has preferred the present Criminal Appeal before this Court.



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3. The learned counsel for the petitioner/accused submitted that petitioner/accused has been falsely implicated in this case alleging that he had committed sexual assault on the victim girl aged about 16 years. It is also submitted by the learned counsel that petitioner/accused was arrested on 29.08.2023 and he has undergone incarceration for more than 2 years.

3.1. It is further submitted by the learned counsel for the petitioner/accused that petitioner/accused is a married man and he has a son aged about 18 years old.

3.2. The learned counsel for the petitioner/accused submitted that petitioner/accused has a fair chance of succeeding in the Criminal Appeal and he is ready to abide any condition to be imposed by this Court. Therefore, the learned counsel prayed that the substantive sentence imposed on the petitioner/accused may be suspended.

4. The learned Government Advocate (Crl.Side) appearing on behalf of the respondent Police submitted that being the distant relative and brother



of victim girl's father, petitioner/accused had committed penetrative sexual assault on the victim girl. He further submitted that at the time of alleged occurrence, the victim girl was minor and she was aged about 16 years only. Therefore, the learned Government Advocate (Crl.Side) strongly objected for suspending the sentence imposed on the petitioner/accused.

4.1. It is also submitted by the learned Government Advocate (Crl.Side) for the respondent Police that the victim girl got married and now, she is residing with her husband.

5. Heard the learned counsel for the petitioner/accused as well as learned Government Advocate (Crl.Side) appearing for the respondent Police.

6. Considering the submissions made by the learned counsel for the petitioner/accused coupled with the quantum of punishment imposed on the petitioner/accused and also, 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.

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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 petitioner/accused shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only), after deducting the amount which was already deposited by the petitioner/accused, if any, to the credit of Spl.S.C.No.76 of 2021 on the file of Magalir Neethi Mandram (Fast Track Mahila Court), Erode, within a period of four weeks from the date of receipt of a copy of this order, failing which, this order shall stand automatically cancelled.

(ii) On such deposit being made, the victim girl is permitted to withdraw the amount deposited by the petitioner/accused in Spl.S.C.No.76 of 2021 on the file of Magalir Neethi Mandram (Fast Track Mahila Court), Erode, on proper identification, in the manner known to law.

(iii) If the petitioner/accused fails to deposit the aforesaid amount, it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence.



(iv) The sentence of imprisonment imposed on the petitioner/accused shall be suspended and the petitioner/accused 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;

(v) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the 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;

(vi) The petitioner/accused shall appear before the respondent Police on every Saturday at 10.30 a.m. for a period of 6 months and he shall also 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.

(vii) The petitioner/accused shall not have any communication with the victim girl and her family.



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25.10.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

Note: Registry is directed to list Criminal Appeal No.1037 of 2023 for hearing on 25.11.2025

To

- 1.The Sessions Judge,
Magalir Neethi Mandram (Fast Track Mahila Court),
Erode.
- 2.The Inspector of Police,
All Women Police Station,
Erode,
Erode District.
- 3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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