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CRL MP No. 17555 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 17555 of 2025

IN

CRL A NO. 493 OF 2025

1. Kumar @ Rajkumar
S/o.Venkatachalam, No.511,
Kariyampatti, Aathigaram Post,
Tirupathur Taluk, Sivakangai District.

Petitioner(s)

Vs

1. State represented by, The Inspector
of Police
Palladam Police Station, Tirupur
District. Cr.No.1357 of 2021.

Respondent(s)

PRAYER

To suspend the sentence and enlarge the petitioner on bail imposed in Special S.C.No.91 of 2022 dated 22.04.2025 (On the file of the Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Tiruppur), pending disposal of the above Crl.A.No.493 of 2025.



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

For Respondent(s): Public Prosecutor

ORDER

This petition has been filed to suspend the sentence and enlarge the petitioner on bail imposed in Special S.C.No.91 of 2022 dated 22.04.2025 (On the file of the Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Tiruppur), pending disposal of the above Crl.A.No.493 of 2025.

2. The petitioner herein was convicted by the Trial Court in Special S.C.No.91 of 2022 dated 22.04.2025 (On the file of the Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Tiruppur and sentenced him to undergo 5 year Rigorous Imprisonment and to pay a fine of Rs.5000/-, in default, to undergo 6 months Simple Imprisonment, for the offence under Section 366 IPC and sentence to undergo 2 years Rigorous Imprisonment and shall pay a fine of Rs. 5000/-, in default, to undergo 6 months Simple Imprisonment for the offence under Section 9 of Child Marriage Act and to pay fine of Rs.5,000/-, in default 6 months Simple Imprisonment for the offence



under Section 5(1) r/w 6 of POCSO Act. Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioners/accused would submit the petitioner has been falsely implicated in this case. In fact, the the victim girl had love affair with the petitioner and they got married. However, the victim girl's mother lodged a complaint, based on that the petitioner has been implicated in this case. Further 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 would submit that the petitioner is ready to abide the condition imposed by this Court.

4. 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.

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

6. In her statement, victim girl stated that she eloped with the petitioner and lived together for near about 2 months. 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.

7. 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:



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(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, Magalir Neethi Mandram (Fast Track Mahila Court), Tiruppur.

(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.

(c) The petitioners shall appear before the Trial Court on the first Saturday 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.

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

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To

1. The Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court),
Tiruppur.
2. The Public Prosecutor, High Court, Madras.
3. The Central Prison, Thirupathur.



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T.V.THAMILSELVI J.

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