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Crl.M.P.No.17728 of 2025

in Crl.A.No.563 of 2025

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in Crl.A.No.563 of 2025

T.V.THAMILSELVI, J.

Today, the Criminal Miscellaneous Petition is listed under the caption 'for being mentioned' at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner submits that a typographical error has crept in para No.6(b) of the order dated 24.09.2025, made in Crl.M.P.No.17728 of 2025 in Crl.A.No.563 of 2025, wherein it is mentioned as “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 Cards or Bank Pass Books to ensure their identities.” It is submitted that the inclusion of the words “ the petitioner/accused and” is an error and the same may be corrected by deleting the said words.



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3.In view of the above, para No.6(b) of the order dated 24.09.2025, made in Crl.M.P.No.17728 of 2025 in Crl.A.No.563 of 2025 is modified as follows:

“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 Cards or Bank Pass Books to ensure their identities.”

4. Registry is directed to carry out the necessary corrections and issue a fresh order copy to the parties concerned.

06.10.2025

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Note: Issue order copy on 06.10.2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-09-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 17728 of 2025

in

CRL A NO. 563 OF 2025

Govindharaj
Son of Late Arjunan,
No.297, Ganapathi Nagar,
Periya Chettipalayam, Erode.

Petitioner(s)

Vs

The State rep. by,
The Inspector of Police,
Erode Taluk Police Station,
Erode District.
(Crime No.519 of 2020)

Respondent(s)

PRAYER: This Criminal Miscellaneous Petition is filed under Section 430 (1) of BNSS, to suspend the sentence of imprisonment imposed in the judgment dated 27.02.2025 made in Spl.S.C.No.08 of 2021 on the file of Session Judge, Magalir Needhi Mandram, Fast Track Mahila Court, Erode and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner(s): Mr.M.Guruprasad



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

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence of imprisonment imposed in the judgment dated 27.02.2025 made in Spl.S.C.No.08 of 2021 on the file of Session Judge, Magalir Needhi Mandram, Fast Track Mahila Court, Erode and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2. The petitioner/appellant was convicted for the offences under Sections 3 and 4 of POCSO and sentenced to 10 years rigorous imprisonment and to pay fine of Rs.5,000/- in default to undergo further simple imprisonment for 3 months. Aggrieved by the same, the petitioner has filed the above appeal along with this petition seeking suspension of sentence.

3. 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



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petitioner/accused may be suspended. He submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is ready to abide the condition imposed by this Court.

4. The learned Government Advocate appearing for the respondent submitted that the victim was aged about 16 years old, at the time of occurrence and, based on the complaint given by the mother of the victim, the petitioner was implicated in this case. Further, he submitted that the evidence adduced by the prosecution, the trial Court has rightly convicted the petitioner. Hence, he opposed for granting suspension.

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



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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 learned Session Judge, Magalir Needhi Mandram (FTC), Erode.
- (b) 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 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



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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

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To

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1. The Learned Session Judge,
Magalir Needhi Mandram (FTC), Erode.
2. The Inspector of Police,
Erode Taluk Police Station, Erode District.
(Crime No.519 of 2020)
3. The Public Prosecutor,
High Court of Chennai.



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J.**

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