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*Crl.M.P.No.17904 of 2025
in Crl.A.No.546 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2025

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.M.P.No.17904 of 2025

in

Crl.A.No.546 of 2025

Jagabur Sadiq @ Asaar

...Petitioner

Vs.

The State rep by its
Inspector of Police
All Women Police Station
Tiruthuraipoondi,
Thiruvarur District.
(Crime No.06/2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to enlarge the petitioner on bail by suspending the sentence imposed by the Session Judge, Magalir Neethimandram, (FTMC), Thiruvarur at Thiruvarur District in Special Sessions Case No.20 of 2020 dated 09.01.2025 and release the petitioner on bail till the disposal of Crl.A.No.546 of 2025 on the file of this Court.

For Petitioner : Mr. S.Arivazhagan

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



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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Session Judge, Magalir Neethimandram (FTMC), Thiruvarur at Thiruvarur District in Spl.S.C.No.20 of 2020 dated 09.01.2025, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.20 of 2020 on the file of the learned Session Judge, Magalir Neethimandram (FTMC), Thiruvarur at Thiruvarur District. He was found guilty of the offences under Sections 5(i) r/w 6 of POCSO Act, 2019 and 5(j) (ii) r/w 6 of POCSO Act, 2019 he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 5(i) r/w 6 of POCSO Act, 2019	to undergo rigorous imprisonment for a period of twenty years and to pay fine of Rs.2,000/-, in default to undergo simple imprisonment for six months.
2	Section 5(j) (ii) r/w 6 of POCSO Act, 2019 of IPC	to undergo rigorous imprisonment for a period of twenty years and to pay fine of Rs.2,000/-, in default to undergo simple imprisonment for six months.



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Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that the petitioner has been falsely implicated in this case and further submitted that the petitioner and the victim girl had love affair and they eloped and got married and lived together. But on the wrong advice of the victim girl parents the petitioner has been falsely implicated in this case. The petitioner is incarceration from 09.01.2025. He further submitted that the victim girl received compensation amount of Rs.6,00,000/-. There are arguable points available in the Criminal Appeal and the petitioner/accused have 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



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petition. The victim girl along with her child and mother appeared before this Court. He further submitted that though the victim girl got married to the petitioner, she is not willing to live with him. 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.

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



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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:

(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 related surety, each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethimandram, (FTMC), Thiruvarur at Thiruvarur district.

(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 petitioner shall appear before the respondent police on every Sunday at 10.30 a.m., until the disposal of the Criminal Appeal 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 the date of his absence, as directed by the



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trial Court.

(d) the victim girl is directed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) in the name of the minor child in the near by Post Office and the interest accrued shall alone be received by the defacto complainant/victim girl to maintain the child until the child attains majority, remaining Three lakhs be retained by victim girl.

(e) the petitioner shall not to have any communication with the victim family.

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

09.10.2025

dpq
Index : Yes/No
Speaking/non-speaking order



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T.V.THAMILSELVI, J.
dpq

To

1. The learned Sessions Judge,
Magalir Neethimandram,
(FTMC), Thiruvarur
at Thiruvarur District.

2. The Superintendent
Central Prison, Trichy.

3. The Inspector of Police
All Women Police Station
Tiruthuraipoondi,
Thiruvarur District.

4. The Public Prosecutor,
Madras High Court,
Chennai.

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