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CRL MP No. 19746 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. 19746 of 2025

AND

CRL A NO. 776 OF 2023

MANIKANDAN

S/o.Kaliyaperumal, No.27,
Mariammankoil Street, Sorapet,
Puducherry - 605501.

Petitioner(s)

Vs

The Inspector Of Police
Nettapakkam Police Station,
Puducherry. Cr.No.35/2019.

Respondent(s)

CRL MP No. 19746 of 2025

PRAYER

To suspend the sentence imposed on the petitioner in Spl.S.C.No.64 of 2019 passed by the Learned Special Judge for Exclusive Trial of cases under POCSO Act, at Puducherry by an order dated 21.06.2022 and enlarge the petitioner on bail pending disposal of the Criminal Appeal



CRL A No. 776 of 2023

PRAYER

To Set aside the Judgment Order dated 21.06.2022 by the Learned Special Judge for Exclusive Trial of Cases under Pocso Act at Puducherry in Spl.SC.64/2019

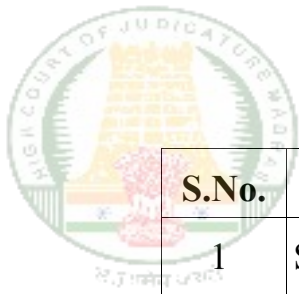
For Petitioner(s): Mr. Swami Subramanian

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Puducherry, in Spl.S.C.No.64 of 2019 dated 21.06.2022 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.64 of 2019 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Chennai. He was found guilty of the offences under Section 366, 342, 506(ii) of I.P.C. and Sec. 6 and 10 of POCSO Act and he has been convicted and sentenced as under :-



S.No.	Conviction	Sentence
1	Section 366 of I.P.C.	to undergo rigorous imprisonment for a period of 7 years and to pay fine of Rs.1,000/-, in default to undergo simple imprisonment for three months.
2	Section 342 of IPC	to undergo rigorous imprisonment for a period of six months
3	Section 506 (ii) of IPC	to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.1000/-, in default, to undergo simple imprisonment for the period of three months
4	Section 10 of POCSO Act	to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.1000/-, in default to undergo simple imprisonment for the period of three months
5	Sec. 6 of POCSO Act	To undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.5000/-, in default, to undergo simple imprisonment for a period of three months

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

3. The learned counsel for the petitioner/accused would submit that he has been falsely implicated in this case as if he had threatened her and committed sexual assault to the victim girl, but in fact he has not committed any offence as alleged against him. He would submit that he is in custody from the date of judgment i.e. on 21.06.2022 for more than three year and four months.



He would also submit that there are arguable points available in the Criminal Appeal and the petitioners/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 and both victim and petitioner had love affair, due to which, parents gave a false complaint.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition and contended that at the knife point, victim was threatened and he has also had bad ailments in that locality, also created petty problem, but he has no other previous case. Further, he would contend that he has no bad antecedents and 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. On seeing the facts, it reveals that both the victim and the petitioner were belong to same locality and the statement given by victim girl as well as evidence before the trial court is totally contradictory each other, which



itself shows that prosecution has not proved the case beyond reasonable doubt, he is a married man and having family, due to his incarceration, his family is struggling for their livelihood and he is in custody from the date of judgment i.e. on 21.06.2022 for more than three years and three months and he has no bad antecedents. Considering that and 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:

- (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, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Special Court for Exclusive Trial of cases under POCSO Act, Puducherry.**



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(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 the respondent police on every Tuesday and Saturday at 10.30 a.m. for the period of three 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 he shall not have any communication with the victim girl and her family 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 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.

27-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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1. Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act,
Puducherry.

2. The Inspector Of Police
Nettapakkam Police Station, Puducherry.

3. The Superintendent of Prison, Central Prison, Puducherry.

4. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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