



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 17913 of 2025

IN

CRL A NO. 555 OF 2025

1. Muralidharan @ Prabhakaran
S/o. Sadhasivam, No.15, Singara
Thottam, Police Line, Old
Washermenpet, Chennai - 600 021.

Petitioner(s)

Vs

1. The State Rep. by the Inspector of
Police,
W-7, All Women Police Station, Anna
Nagar, Chennai - 600 040. (Crime
No.7/2021)

Respondent(s)

PRAYER

To suspend the sentence imposed against the petitioner dated 06.07.2023 in S.C.No.137/2021 by the learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, chennai and enlarge the petitioner on bail pending disposal of the above Crl.A.No.555 of 2025.



CRL MP No. 17913 of 2025

For Petitioner(s): M/s.S.Sadhana
R.Haribabu
A.Selvakumar

For Respondent(s): Public Prosecutor

ORDER

This petition has been filed to suspend the sentence imposed against the petitioner dated 06.07.2023 in S.C.No.137/2021 by the learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, chennai and enlarge the petitioner on bail pending disposal of the above Crl.A.No.555 of 2025.

2. The petitioner herein was convicted in S.C.No.137/2021 by the learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Chennai for the offence under Sections 366 IPC and sentenced him to undergo Rigorous Imprisonment for 10 years with a fine of Rs.10,000/-, in default, to undergo Simple Imprisonment for 1 month and for the offence under Section 6 of POCSO Act sentenced him to undergo Rigorous Imprisonment for 20 years with a fine of Rs.50,000/-, in default, to undergo Simple Imprisonment for 3 months. Aggrieved the judgement passed by the Trial Court the petitioner filed



the appeal and this petition to suspend the sentence imposed on him.

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3. The learned counsel for the petitioner/accused would submit that the petitioner is aged about 60 years and he has been falsely implicated in this case as if he had committed penetrative sexual assault against the victim girl. Further 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 petitioners/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 stating that the petitioner was aged about 56 years and the victim was aged about 9 years at the time of the occurrence and the petitioner has forcefully taken away the victim from her house had committed penetrative sexual assault. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. As



per his instruction, the victim received compensation. 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. As on date, the victim girl secured and she is under the custody of her parents 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:



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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, Special Court for Exclusive trial of cases under POCSO Act, Chennai.

(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. Further, the petitioner shall not have any communication with the victim girl and her family.

(c) The petitioner shall appear before the Trial Court on the first and last working day 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.

30-10-2025

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To

1. The Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Chennai .
2. The Central Prison – I, Puzhal, Chennai.
3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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