



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.M.P.No. 18213 of 2025

in

Crl.A.No. 1512 of 2025

Ponnan

...Petitioner

Vs.

1. The State by its
The Inspector of Police,
Bommidi Police Station.
(Crime No. 217 of 2022)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence passed in SC No. 259 of 2023 dated 10.09.2025 convicting the petitioner by the learned Special Judge to deal with cases related to POCSO Act, Dharmapuri for an offence under Section 9 (n) punishable under Section 10 of POCSO Act, 2019 and enlarge him on bail pending disposal of the above criminal appeal.



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For Petitioner : Mr. V. Chinnasami
For Respondent : Mr. V. Meganthan,
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner to suspend the sentence passed in SC No. 259 of 2023 dated 10.09.2025 convicting the petitioner by the learned Special Judge to deal with cases related to POCSO Act, Dharmapuri for an offence under Section 9 (n) punishable under Section 10 of POCSO Act, 2019 and enlarge him on bail pending disposal of the above criminal appeal.

2. The petitioner herein is the accused in SC No. 259 of 2023 on the file of the learned Special Judge to deal with cases related to POCSO Act, Dharmapuri. He was found guilty and he has been convicted and sentenced to imprisonment for 5 years rigorous imprisonment and to pay a fine of Rs.15,000/- in default, to undergo three months simple imprisonment. Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition.



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3. The learned counsel for the petitioner/accused would submit petitioner is aged about 80 years and he is ready to abide with any conditions and 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 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. 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.



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6. Considering the facts and circumstances of the case, and 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 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(one must be blood surety) each for a like sum to the satisfaction of the learned Special Judge to deal with cases related to POCSO Act, Dharmapuri. Further, the petitioner shall not have any communication with the victim girl.

(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.



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(c) The petitioners 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.

13.10.2025

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T.V.THAMILSELVI. J

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To

1. The Special Judge to deal with cases related to POCSO Act,
Dharmapuri.
2. The Inspector of Police,
Bommidi Police Station.
3. The Public Prosecutor,
Madras High Court,
Chennai.
4. The Central Prison, Salem.

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