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CRL MP No. 18982 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 18982 of 2025

AND

CRL A NO. 195 OF 2025

1. GUBERAN

S/o.Kannan, No.1, Singavaram Salai,
Sirukadambur, Gingee - 604 202,
Villupuram District.

Petitioner(s)

Vs

1. State Represented By

The Deputy Superintendent Of Police,
Gingee Sub Division, Villupuram
District.

2.The Inspector Of Police,

Gingee Police Station, Villupuram
District.

Respondent(s)

PRAYER

To suspend the sentence imposed on the petitioner/Appellant in Spl.S.C.No.52 of 2018 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Sc/ST POA Act, 1989, Villupuram by its Judgement dated 31.01.2025 and enlarge the petitioner on bail, pending disposal of the Criminal Appeal No.195 of 2025.

CRL MP No. 18982 of 2025

For Petitioner(s): J.Ramesh
C.Nandha Kumar
M.Angalaeshwari
U.Parthiban



For Respondent(s): Public Prosecutor For R1

ORDER

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This petition has been filed to suspend the sentence imposed on the petitioner/Appellant in Spl.S.C.No.52 of 2018 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Sc/ST POA Act, 1989, Villupuram by its Judgement dated 31.01.2025 and enlarge the petitioner on bail, pending disposal of the Criminal Appeal No.195 of 2025.

2. The petitioner herein was convicted by the Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Sc/ST POA Act, 1989, Villupuram, in Spl.S.C.No.52 of 2018 and sentenced him to undergo Rigorous Imprisonment for 10 years and pay a fine of Rs.10,000/-, in default to undergo Rigorous Imprisonment for 2 years for the offence under Section 376(2)(l) IPC and 376(2)(m) IPC, sentenced to undergo Rigorous imprisonment for 10 years and pay a fine of Rs.10,000/-, in default, to undergo Rigorous Imprisonment for 2 years and under Section 376(d), sentenced him to undergo Rigorous Imprisonment for 20 years and pay a fine of Rs.1,00,000/-, in default to undergo Rigorous Imprisonment for 5 years. Aggrieved over the same, the appellant filed the criminal appeal along with Criminal Miscellaneous petition.

3. The learned counsel for the petitioner submits that the petitioner is ranked as A3, due to incarceration his family is starving. Further, the learned counsel for the petitioner/accused would 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 petitioners/accused may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. The learned Government Advocate (Crl. Side) submits that the petitioner has raped the victim, who is mentally retorted women and he stated that compensation was paid to the victim. However, 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 petitioners, 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 for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Sc/ST POA Act, 1989, Villupuram. After release on bail, the petitioner is directed to deposit a sum of Rs.1,20,000/- before the Trial Court within a period of three weeks. On such deposit being made, the said amount shall be kept in the name of the victim's account. 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.

(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 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.



CRL MP No. 18982 of 2025



25-11-2025



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T.V.THAMILSELVI J.
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To

1. The Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Sc/ST POA Act, 1989, Villupuram.
2. The Inspector of Police, Gingee Police Station, Villupuram District.
3. The Central Prison, Cuddalore.
4. The Public prosecutor, High Court, Madras.

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