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CRL MP No. 17826 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 17826 of 2025

IN

CRL A NO. 693 OF 2025

1. Vignesh
S/o.Shanmugam,
Veeramachimangalam, Dharapuram
Taluk, Tiruppur District

Petitioner(s)

Vs

1. State rep by Inspector of Police,
Negamam Police Station, Coimbatore
District. Cr.No.340 of 2016.

Respondent(s)

PRAYER

To suspending the sentence imposed in Special CC.No.44/2019 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore by a Judgment dated 05.07.2024, pending disposal of Criminal Appeal.



For Petitioner(s): C.S. Saravanan
M.Vignesh

For Respondent(s): Public Prosecutor

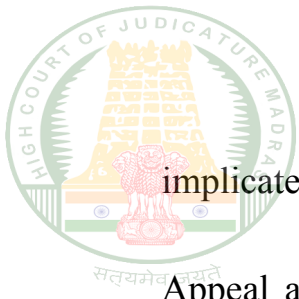
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ORDER

This petition has been filed to suspend the sentence imposed in Special CC.No.44/2019 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore by a Judgment dated 05.07.2024, pending disposal of Criminal Appeal.

2. The petitioner herein is accused in CC.No.44/2019 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore. He found guilty and convicted for the offence under Section 4 of POCSO Act and sentenced him to undergo 7 years Rigorous Imprisonment and to pay a fine of Rs.5000/-, in default, to undergo 6 months simple imprisonment. Further, convicted him under Section 506(ii) IPC and sentenced to undergo 2 years simple imprisonment. Aggrieved over the same, the accused filed the appeal and suspend the sentence imposed on him.

3. The learned counsel for the petitioner submits that the petitioner is aged about 30 years due to family dispute the petitioner has been falsely



implicated in this case and there are arguable points available in the Criminal

Appeal and the petitioner/accused has 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 stating that the petitioner along with A1 committed sexual assaulted against the victim girl and at the time of the occurrence victim girl is aged about 13 years. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. He submit that victim received compensation and married another man. 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. As per the prosecution the victim got married and considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner and also the petitioner was in jail for the past four years. 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 Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore. 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.

(c) The petitioner shall appear before the respondent police on every Saturday at 10.30 a.m., till completion of the criminal appeal.

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

16-10-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.
2. The Central Prison, Coimbatore.
3. The Inspector of Police,
Negamam Police Station, Coimbatore District.
4. The Public Prosecutor, High court, Madras.



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T.V.THAMILSELVI J.
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