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Crl.M.P.No.17810 of 2024
in Crl.A.No.1578 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Crl.M.P.No.17810 of 2024
in Crl.A.No.1578 of 2024

Karuna @ Karunakaran
S/o.Annamalai,
No.1, 1st Block, K.B.Park, Pulianthope, Chennai-600 012.
(now confined at Central Prison, Puzhal-I)

Petitioner(s)/Accused

Vs

The State represented by its
The Inspector Of Police,
W-16, All Women Police Station,
Puliyanthope, Chennai-600 012.
Crime No.03/2016.

Respondent(s)/Complainant

Civil Miscellaneous Petition filed under Section 389(1) Cr.P.C., to
suspend the sentence imposed on the petitioner by judgment dated
23.02.2022 passed in S.C.No.295 of 2017 on the file of the Sessions Court,



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Special Court for Exclusive Trial Cases under POCSO Act, Chennai and to
enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner(s) : Mr.S.Manoharan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneem

ORDER

(Made by N.Sathish Kumar, J.)

This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment dated 23.02.2022 passed in S.C.No.295 of 2017 on the file of the Sessions Court, Special Court for Exclusive Trial Cases under POCSO Act, Chennai and to enlarge him on bail pending disposal of the above appeal.

2. The petitioner, who was the accused in S.C.No.295 of 2017 before the Sessions Court, Special Court for Exclusive Trial Cases under POCSO Act, Chennai, was convicted and sentenced as follows:



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<i>Provision under which convicted</i>	<i>Sentence</i>
Section 6 of the POCSO Act	Life imprisonment and fine of Rs.10,000/-, in default to undergo three months simple imprisonment.
Section 10 of the POCSO Act	Seven years rigorous imprisonment and fine of Rs.5,000/-, in default to undergo one month simple imprisonment.
Section 366 IPC	Ten years imprisonment and fine of Rs.10,000/-, in default to undergo three months simple imprisonment.
Section 324 @ 323 IPC	One year imprisonment and fine of Rs.1,000/-, in default to undergo one week simple imprisonment.
Section 506(II) IPC	Seven years imprisonment.
Section 9 of the Prohibition of Child Marriage Act	Two years imprisonment and fine of Rs.10,000/-, in default to undergo three months simple imprisonment.
The aforesaid sentences were ordered to run consecutively.	

3. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.1578 of 2024 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel appearing for the petitioner would submit that the petitioner and the victim got married and lived as husband and wife for some period. He would further submit that the victim is aged above eighteen years. Though according to the prosecution, the victim is aged below eighteen years, the same fact has not been established. He would further



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submit that except the evidence of the Medical Officer, no other proper documents have been filed to show that the victim is aged below eighteen years. It is his further submission that the petitioner is in judicial custody for nearly one year. Stating so, he prayed for the grant of suspension of sentence and bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent/police has filed a counter affidavit and opposed for the grant of suspension of sentence and bail to the petitioner.

6. On considering the rival submissions and perusing the entire materials available on record, we are of the view that the petitioner has made out a *prima facie* case for suspending the sentence.

7. It is seen from the evidence of the victim that she got married to the petitioner and lived together for some time. The trial Court, on merely relying upon the radiological report, which may have the margin of error of two years on either side, has determined the age of the victim as below



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eighteen years and the same fact has to be seen properly.

8. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner has been in incarceration for more than a year. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

9. Accordingly, this criminal miscellaneous petition is allowed and the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, each for a like sum to the satisfaction of the Sessions Court, Special Court for Exclusive Trial Cases under POCSO Act, Chennai;
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

- (iii) The petitioner shall appear before the respondent/police on every Monday at 10.30 a.m. until the disposal of the appeal 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; and
- (iv) On breach of any of the aforesaid conditions, the learned Sessions Judge is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Sessions Judge himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

(N.S.K., J.) (M.J.R., J.)
19.11.2025

nsd

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1.The Sessions Judge, Special Court for Exclusive Trial
Cases under POCSO Act, Chennai.

2.The Inspector Of Police,
W-16, All Women Police Station, Puliyanthope,
Chennai-600 012.

3.The Superintendent, Central Prison, Puzhal.

4.The Public Prosecutor, Madras High Court,
Chennai – 600 104.

N.SATHISH KUMAR, J.



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