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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.10.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.No.18223 of 2025
in Crl.A.No.1021 of 2025**

Rajesh

...Petitioner

Versus

State Rep. by
The Inspector of Police,
Mettupalayam Circle,
Puducherry.
(Crime No.75/2019)

...Respondent

Prayer: This Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C and Section 430(2) of BNSS, 2023 praying to suspend the sentence imposed in Spl.S.C.No.32 of 2023 dated 22.04.2025 on the file of the Fast Track Court exclusively to deal with the offences under the Section POCSO Act at Puducherry pending disposal of Crl.A.No.1021 of 2025 on the file of this Court.

For Petitioner	:	Mr.T.Muruganantham
For Respondent	:	Mr.M.V.Ramachandramoorthy, Additional Public Prosecutor (Puducherry)



ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner seeking to suspend the sentence imposed on him by the learned Sessions Judge, Fast Track Court Exclusively to deal with offences under the POCSO Act, Puducherry vide Judgment dated 22.04.2025 in Spl.S.C.No.32 of 2023 and to enlarge him on bail pending disposal of the above Criminal Appeal.

2. The Petitioner is Accused No.1 in Spl.S.C.No.32 of 2023 on the file of Fast Track Court Exclusively to deal with offences under the POCSO Act, Puducherry. The Petitioner/Accused No.1 was found guilty of the offence under Section 366 IPC and Section 6 of POCSO (Amendment) Act, 2019. Therefore, learned Sessions Judge, Fast Track Court Exclusively to deal with offences under the POCSO Act, Puducherry vide Judgment dated 22.04.2025 in Spl.S.C.No.32 of 2023, convicted the Petitioner/Accused No.1 and sentenced him as follows:

S.No.	Offence	Sentence
1	Under Section 366 of IPC	To undergo rigorous imprisonment for a period of 10 years and to pay a fine of Rs.10,000/-, in default, to undergo 3 years simple imprisonment.



2	Under Section 6 of POCSO (Amendment) Act, 2019	To undergo rigorous imprisonment for a period of 20 years and to pay a fine of Rs.10,000/-, in default, to undergo 3 months simple imprisonment.
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Aggrieved by the said conviction and sentence, Petitioner/Accused No.1 has preferred the present Criminal Appeal before this Court.

3. The learned counsel for Petitioner/Accused No.1 submitted that the victim girl and Petitioner/Accused No.1 had loved each other and they eloped to Karnataka. While so, the parents of the victim girl who did not like the love affair of their daughter (victim girl) had lodged a false complaint against the Petitioner/Accused No.1.

3.1. It is further submitted by the learned counsel for Petitioner/Accused No.1 that Petitioner/Accused No.1 has been falsely implicated in this case alleging that he had kidnapped the victim girl and had committed penetrative sexual assault on the victim girl. It is also submitted by the learned counsel that the petitioner is now confined in prison.



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3.2. The learned counsel for Petitioner/Accused No.1 submitted that Petitioner/Accused No.1 has a fair chance of succeeding in the Criminal Appeal and he is ready to abide any condition to be imposed by this Court. Therefore, the learned counsel prayed that the substantive sentence imposed on the Petitioner/Accused No.1 may be suspended.

4. The learned Additional Public Prosecutor (Puducherry) appearing on behalf of the respondent Police submitted that Petitioner/Accused No.1 had committed penetrative sexual assault on the victim girl for several times. He further submitted that at the time of alleged occurrence, the victim girl was minor and she was aged about 15 years only. Therefore, the learned Additional Public Prosecutor (Puducherry) strongly objected for suspending the sentence imposed on the Petitioner/Accused No.1.

4.1. It is also submitted by the learned Additional Public Prosecutor (Puducherry) for the respondent Police that the victim girl got married and now, she is residing with her husband.

5. Heard the learned counsel for the Petitioner/Accused No.1 as well as



learned Additional Public Prosecutor (Puducherry) appearing for the respondent Police.

6. Considering the submissions made by the learned counsel for the Petitioner/Accused No.1 coupled with the quantum of punishment imposed on the Petitioner/Accused No.1 and also, taking into consideration of the fact that the Criminal Appeal is likely to be taken up for final hearing in the near future, this Court is inclined to suspend the substantive sentence of imprisonment alone.

7. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(i) The sentence of imprisonment imposed on the Petitioner/Accused No.1 shall be suspended and the Petitioner/Accused No.1 shall be released on bail on condition that he shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a likesum to the satisfaction of the trial Court;

(ii) The Petitioner/Accused No.1 and the sureties shall



affix their photographs and Left Thumb Impressions in the surety bonds and the trial Court may obtain a copy of their Aadhaar Card or Bank Pass Book and their mobile numbers to ensure their identity;

(iii) The Petitioner/Accused No.1 shall appear before the respondent Police on every Saturday at 10.30 a.m. and he shall also 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 he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 355 of BNSS, 2023 and shall appear before the trial Court on any other day in lieu of his absence, as directed by the trial Court.

(vii) The Petitioner/Accused No.1 shall not have any communication with the victim girl and her family members.

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

25.10.2025

mrr

Index: Yes/No

Speaking Order (or) Non-Speaking Order

Note: Registry is directed to list Criminal Appeal No.1021 of 2025 for hearing on 25.11.2025



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To

- 1.The Sessions Judge,
Fast Track Court Exclusively to deal with
offences under the POCSO Act,
Puducherry.
- 2.The Inspector of Police,
Mettupalayam Circle,
Puducherry.
- 3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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