



CRL MP No. 20595 of
2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 20595 of 2025

IN

CRL A NO. 1689 OF 2025

Elumalai

Son of Kannappan, Kizhandai Street,
Kanchipadi Village, Tiruttani Taluk,
Thiruvallur District.

Petitioner(s)

Vs

State by

The Inspector of Police, Kanagamma
Chatram Police Station, Transferred for
Investigation to All Women Police
Station, Tirutani Tiruvallur District.
Crime No.381 of 2019

Respondent(s)

For Petitioner(s): V.Murugesan
B.Ramesh

For Respondent(s): Public Prosecutor

ORDER

The petitioner has filed this petition to enlarge the petitioner on bail



against the judgement passed by the learned Mahalir Neethimandram (Fast Track Mahila Court), Tiruvallur in Special Sessions Case No.100 of 2023, dated 25.10.2023, till the disposal of the Criminal Appeal.

2. The petitioner herein is the accused in Spl.S.C.No.100 of 2023 on the file of the learned Magalir Neethimandram (FTMC), Tiruvallur. He found guilty under Section 366 of I.P.C and sentenced him to undergo 10 years imprisonment and imposed fine of Rs.5,000/-, in default to undergo 6 months simple imprisonment, and sentenced to undergo one years simple imprisonment and to pay a fine of Rs.1,000/-, for the offence under Section 342 of IPC, in default to undergo another period of 1 month simple imprisonment and sentenced him to under go rigorous imprisonment for 20 years and imposed with fine of Rs.5,000/- for the offence under Section 5(1) r/w 17 of POCSO (Amendment) 2019, in default in payment of fine sentenced to undergo simple imprisonment for 6 months and the accused is acquitted u/s. 235(1) Cr.P.C. for the charges under Section 506(1) of IPC, against which the present appeal has been filed.



3. The learned counsel for the petitioner submitted that the petitioner is aged about 60 years and is arrayed as A2 in the case, while A1 is his son. The sentence against A1 has already been suspended. Now, the petitioner, being A2, approaches this Court. He further submitted that he was falsely implicated in this case, as if he had abetted his son in committing the offence. He stated that he only instructed his son to hand over the victim child to their parents and, other than that, he did not commit any abetment. He is also ready to abide by any conditions imposed by this Court.

4. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner, 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. Accordingly, till the disposal of the Criminal appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) the petitioner is directed to deposit a sum of



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Rs.1,00,000/- to the credit of Spl.SC.No.100 of 2023, on the file of the Mahalir Neethimandram (Fast Track Mahila Court), Tiruvallur, within a period of four weeks from the date of his release.

(b) the petitioner/accused is ordered to be released on bail, on executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, in which one surety shall be a blood related surety, each for a like sum to the satisfaction of the Mahalir Neethimandram (Fast Track Mahila Court), Tiruvallur.

(C) 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.

(d) The petitioner shall report before the respondent police on every Sunday at 10.30 a.m, and also shall appear before the Trial Court on every Saturday 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 the date of his absence, as directed by the trial Court.

(e) the victim girl is permitted to withdraw the amount deposited by the petitioner in Spl.SC.No.100 of 2023, for the mental agony caused by the petitioner.



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(f) the petitioner shall not to have any communication
with the victim girl and her family members.

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

18-11-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To

1.State by

The Inspector of Police,

Kanagamma Chatram Police Station,



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Transferred for Investigation to All
Women Police Station, Tirutani
Tiruvallur District.
Crime No.381 of 2019

2.The Mahalir Neethimandram (Fast
Track Mahila Court), Tiruvallur.

3.The Superintendent,
Central Prison, Puzhal, Chennai.

4.The Public Prosecutor,
High Court of Madras, Chennai.



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T.V.THAMILSELVI J.
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