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CRL MP No. 20649 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 20649 of 2025

IN

CRL A NO. 1695 OF 2025

K.Mohan Doss
S/o.Kumar, Colony Street,
Oogaiperaiyur, Koothanallur (T.K),
Tiruvarur District. Now Confining at
Central Prison, Trichy.

Petitioner(s)

Vs

The State represented by its,
The Inspector of Police, All Women
Police Station, Tiruvarur District. Crime
NO.07/2019

Respondent(s)

PRAYER

To suspend the sentence imposed by the Learned Sessions Judge, Fast Track Mahila Court at Tiruvarur in SPL.SC.No.23/2019 dated 21.12.2020 and enlarges the petitioner on bail pending disposal of the said Criminal Appeal

For Petitioner(s): Ms. R.Subadra Devi

For Respondent: Mr.V.Meganathan,
Govt. Advocate (Crl. Side)



ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Fast Track Mahila Court, Tiruvarur in Spl.S.C.No.23 of 2019 dated 21.12.2020 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.23 of 2019 on the file of the learned Sessions Judge, Fast Track Mahila Court, Tiruvarur. He was found guilty of the offences under Section 6 of POCSO Act and 506(ii) of I.P.C. He has been convicted and sentenced for an offence under Sec.6 of POCSO Act to undergo Rigorous Imprisonment for 10 years and to pay a fine of Rs.10,000/- in default of payment of fine, to undergo simple imprisonment for five months and also sentenced to undergo rigorous imprisonment for the period of three years and to pay a fine of Rs.3000/-, in default to undergo further rigorous imprisonment for the period of three months for an offence under Sec.506(ii) of I.P.C.. Aggrieved by the same, the petitioner had filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that he has been falsely implicated in this case as if he had committed sexual assault to the victim girl, but in fact he is a neighbour to the victim family and he has



not committed any offence as alleged against him. He would submit that he is in custody from the date of judgment i.e. on 21.12.2020 for more than four years and ten months. He would also submit that there are arguable points available in the Criminal Appeal and the petitioner/accused had 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 for allowing this petition and contended that the petitioner is a married man and both the victim girl and the petitioner were neighbours and he has committed sexual assault to the victim girl. He would submit that victim girl is aged about 15 years and the petitioner is aged about 33 years at the time of occurrence. Further, he would contend that he has no bad antecedents and 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. On seeing the facts, it reveals that both the victim and the petitioner were neighbours and he is a married man and having family, due to his incarceration, his family is starving for their livelihood and he is in custody from the date of judgment i.e. on 21.12.2020 for more than four years and ten months, victim girl is now under the care and custody of her parents, now she had also got married and he has no bad antecedents. Considering that and 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 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 his executing a separate bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each, **in which one surety must be a blood surety**, for a like sum to



the satisfaction of the **learned Sessions Judge, Fast Track Mahila Court, Tiruvarur.**

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(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. for the period of three months 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 he shall not have any communication with the victim girl and her family 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.**

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

05-11-2025



Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Sessions Judge, Fast Track Mahila Court at Tiruvarur
2. The Inspector of Police, All Women Police Station, Tiruvarur District.
3. The Superintendent of Prison, Central Prison, Trichy.
4. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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(2/2)**