



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.No.20398 of 2025
in Crl.A.No.1676 of 2025**

Mr.Palanisamy @ Easaiyyan

...Petitioner

Versus

The State Represented by its
The Inspector of Police,
All Women Police Station,
Tiruppur District.
(Crime No.08/2022)

...Respondent

Prayer:

This Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C r/w. Section 430(1) of BNSS, 2023 praying to suspend the sentence imposed by the learned Sessions Judge, Mahila Court (Fast Track Court) at Tiruppur in Spl.SC.No.33/2022 dated 10.12.2024 and enlarges the petitioner on bail pending disposal of the said Criminal Appeal No. of 2025 on the file of this Court.

For Petitioner : Mr.M.Mohamed Saifulla

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



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner seeking to suspend the sentence imposed on him by the learned Sessions Judge, Mahila Court (Fast Track Court) at Tiruppur vide Judgment dated 10.12.2024 in Spl.S.C.No.33 of 2022 and enlarge him on bail pending disposal of the Criminal Appeal.

2. The petitioner is an accused in Spl.S.C.No.33 of 2022 on the file of Mahila Court (Fast Track Court) at Tiruppur. The petitioner/accused was found guilty of the offence under Section 9(I)(n) r/w. 10 of POCSO Act, 2012. Therefore, the trial Court vide Judgment dated 10.12.2024 in Spl.S.C.No.33 of 2022, convicted the petitioner/accused and sentenced him to undergo rigorous imprisonment for a period of 5 years and to pay a fine of Rs.10,000/-, in default, to undergo 3 months simple imprisonment. Aggrieved by the said conviction and sentence, petitioner/accused has filed the present Criminal Appeal.



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3. The learned counsel for the petitioner/accused submitted that petitioner/accused has been under the judicial custody for more than 3¾ years 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 may be suspended.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that petitioner/accused had misbehaved with the victim minor girl and thereby, he had committed an offence punishable under Section 9(I)(n) r/w. 10 of POCSO Act, 2012 which was also proved beyond all reasonable doubts before the trial Court. He further submitted that now the victim minor girl is under the safe custody of her father. Therefore, the learned Government Advocate (Crl.Side) submitted that he has serious objection for granting bail to petitioner/accused.

5. Heard the learned counsel on both sides and perused the materials available on record.



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6. Considering the submissions made by the learned counsel for petitioner/accused coupled with the quantum of punishment imposed on petitioner/accused and 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 shall be suspended and the petitioner/accused 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 (out of which, one surety should be blood surety), each for a likesum to the satisfaction of the trial Court;

(ii) The petitioner/accused 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;



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(iii) The petitioner/accused shall appear before the respondent Police on every Saturday at 10.30 a.m. and also, he shall appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., for a period of 6 months 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.

(iv) The petitioner/accused shall not have any communication with the victim minor girl.

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

12.11.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

Note: Registry is directed to list CrI.A.No.1676 of 2025 for hearing in the 3rd week of February, 2026.



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To

- 1.The Sessions Judge,
Mahila Court (Fast Track Court),
Tiruppur.
- 2.The Inspector of Police,
All Women Police Station,
Tiruppur District.
- 3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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