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*Crl.M.P.No.18803 of 2025
in Crl.A.No.970 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2025

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.M.P.No.18803 of 2025

in

Crl.A.No.970 of 2023

Perumal

...Petitioner

Vs.

The Inspector of Police
Cuddalore All Women Police Station
Cuddalore District.
(Crime No.02/2021)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to enlarge the petitioner on bail by suspending the sentence imposed by the learned Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore made in Special Sessions Case No.14 of 2022 dated 23.12.2022 and release the petitioner on bail till the disposal of Crl.A.No.970 of 2023 on the file of this Court.

For Petitioner : Mr. P.Muthamizhselvakumar

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



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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore in Spl.S.C.No.14 of 2022 dated 23.12.2022, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.14 of 2022 on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore. He was found guilty of the offences under Section 6 r/w 5(n), 5(j) (ii) of POCSO Act, 2012 he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 6 r/w 5(n), 5(j) (ii) of POCSO Act, 2012	to undergo rigorous imprisonment for a period of ten years and to pay fine of Rs.2,000/-, in default to undergo simple imprisonment for three months.

Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition.



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3. The learned counsel for the petitioner/accused would submit that the petitioner is the maternal uncle of the victim girl and since she lost her parents in Tsunami she was taken care by the petitioner and his mother and that he has been falsely implicated in this case and further submitted that the petitioner is incarceration for two years and 9 months. He further submitted that the victim girl had completed nursing course and she is aged 21 years and has also received compensation amount of Rs.6,00,000/-. There are arguable points available in the Criminal Appeal and the petitioner/accused have 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. He further submitted that the petitioner is already married and has got two children as on date. The victim girl along with her child appeared before this Court and now she is under the care and custody of her



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grandmother. Further, he would contend that 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. 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



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alone suspended and bail are granted on the following conditions:

(a) 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 must be a blood related surety, each for a like sum to the satisfaction of the learned Special Court for Exclusive trial of cases under POCSO Act, Cuddalore

(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 Sunday at 10.30 a.m., until the disposal of the Criminal Appeal 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 the date of his absence, as directed by the trial Court.

(d) the defacto complainant/victim girl is directed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) in the name of the minor child in the near by Post Office and the



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interest accrued shall alone be received by the defacto complainant/victim girl to maintain the child until the child attains majority.

(e) the respondent police shall verify whether the amount of Rs.3,00,000/- is deposited in the nearby Post Office in the name of the minor child.

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

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dpq
Index : Yes/No
Speaking/non-speaking order



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T.V.THAMILSELVI, J.
dpq

To

1. The learned Special Court for
Exclusive Trial of Cases under
POCSO Act, Cuddalore.

2. The Superintendent
Central Prison, Cuddalore.

3. The Inspector of Police
All Women Police Station
Cuddalore District.

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

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