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*Crl.M.P.No.18745 of 2025
in Crl.A.No.1386 of 2025*

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.18745 of 2025

in

Crl.A.No.1386 of 2025

Nazeer

...Petitioner

Vs.

The State rep by its
Inspector of Police
All Women Police Station
Pulianthope, Chennai 600 012
(Crime No.10 of 2018)

... 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, Chennai and enlarge the petitioner on bail till the disposal of Crl.A.No.1386 of 2025 on the file of this Court.

For Petitioner : Mr. R.Rafi Babu

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, Chennai in S.C.No.354 of 2019 dated 07.01.2023, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in S.C.No.354 of 2019 on the file of the learned Special Court for Exclusive trial of cases under POCSO Act, Chennai. He was found guilty of the offences under Sections 6 of POCSO Act with alternative charge under Section 376 (3) of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 6 of POCSO Act with alternative charge under Section 376 (3) of IPC	to undergo rigorous imprisonment for a period of twenty years and to pay fine of Rs.10,000/-, and in default to undergo simple imprisonment for three months.
2	Section 506(ii) of IPC	to undergo rigorous imprisonment for a period of three years.



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

3. The learned counsel for the petitioner/accused would submit that the petitioner is aged 60 years and he is a close relative to the victim girl, due to some previous enmity he has been falsely implicated in this case. He further submitted that the petitioner is incarceration for the past two years and 9 months. He further submitted that the victim girl received compensation amount of Rs.10,00,000/-. 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 victim girl was 14 years and the accused was 55 years old at the time of occurrence. Taking advantage that



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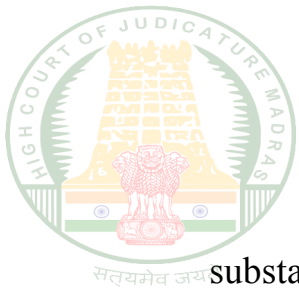
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he is a close relative he committed penetrative sexual assault on her. The victim girl is studying education. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable 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



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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 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, Chennai.

(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 Tuesday and Saturday 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 petitioner shall not to have any communication



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with the victim family.

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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, Chennai
2. The Superintendent
Central Prison - I, Puzhal.
3. The Inspector of Police
All Women Police Station
Pulianthope, Chennai 600 012
4. The Public Prosecutor,
Madras High Court,
Chennai.

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