



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 20464 of 2025

AND

CRL A NO. 987 OF 2024

SUDHAKARAN

S/o.Nagaraj, Periyaguthibala Village,
Beerballi Post, Soolagiri Taluk,
Krishnagiri District.

Petitioner(s)

Vs

State of Tamil Nadu
Rep. by its
Inspector of Police,
All Women Police Station,
Krishnagiri. Crime No. 11/2019.

Respondent(s)

PRAYER

To suspend the sentence imposed in the judgment dt. 18.12.2023 in Spl.Session Case No. 9/2020 on the file of the Sessions Judge, Fast Track Mahila Court, Krishnagiri enlarge the bail pending disposal of the Crl.Appeal.



For Petitioner(s): Mr.R.Selvakumar

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri in Spl.S.C.No.9 of 2020 dated 18.12.2023 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.9 of 2020 on the file of the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri. He was found guilty of the offences under Section 366 of I.P.C. and Sec.5(1) r/w 6 of POCSO Act and he has been convicted and sentenced under Sec. 366 of I.P.C. to undergo Rigorous Imprisonment for the period of 5 years and to pay a fine of Rs.1,000/- in default of payment of fine, to undergo simple imprisonment for six months and he was also sentenced under Sec. 5(1) r/w 6 of POCSO Act to undergo rigorous imprisonment for ten years and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of one year. 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, in fact he along with victim girl studied in the same Polytechnic and they had a love affair, but the parents gave a false complaint and falsely implicated him in this case, however, 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 18.12.2023 for more than one year and 10 months. He would also submit that there are arguable points available in the Criminal Appeal and the petitioners/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 and contended that both the victim girl and the petitioner were living in the same locality and at the time of occurrence, victim girl is aged about 17 years and he is aged about 20 years. Further, he would contend that the prosecution had also proved the case beyond reasonable doubt but 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.

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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 belong to same locality 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 18.12.2023 for more than one year and 10 months and he has no bad antecedents. Both had a love affair and now, the victim girl got married and as on date, he is ready to abide any condition imposed by this court. 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 their 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, Krishnagiri.**

(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.

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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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N.B. : Issue order copy on 05.11.2025

To

1. Sessions Judge, Fast Track Mahila Court, Krishnagiri.
2. Inspector of Police, All women police station, Krishnagiri.
3. The Superintendent of Prison, Central Prison, Vellore.
4. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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