



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-09-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 18112 of 2025

IN

CRL A NO. 1491 OF 2025

Ganesh
S/o.Mani,
D.No.77, Pallikadu, S.Eraiyamanglaam,
Now t Senthil Goat Farm, Jaysakthi
Nagar, Karuveppampatti, Tiruchengode.

Petitioner(s)

Vs

The State rep by
The Inspector of Police,
All Women Police Station,
Tiruchengode, Namakkal District.
Crime No.7/2022

Respondent(s)

PRAYER

To suspend the sentence imposed against the petitioner in Spl.S.C.No.82/2022 on the file of the Learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Namakkal, Namakkal District dated 20.08.2025 and enlarge the petitioner on bail pending disposal of the said Crl.A.No.1491/2025 on the file of this Court.



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For Petitioner(s): Mr.E.Kannadasan

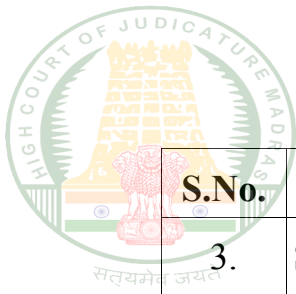
For Respondent(s): Mr.V.Meganathan,
Govt. Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Namakkal, in Spl.S.C.No.82 of 2022 dated 20.08.2025 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.82 of 2022 on the file of the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Namakkal. He was found guilty of the offences under Section 6 of POCSO Act and he has been convicted and sentenced as under:

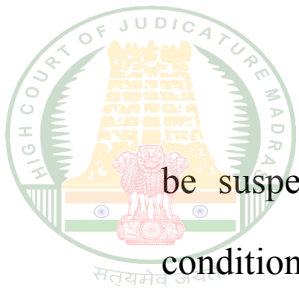
S.No.	Conviction	Sentence
1	Section 366 of I.P.C.	to undergo rigorous imprisonment for a period of five years and to pay fine of Rs.1000/-, in default, to undergo simple imprisonment of three months
2	Section 506(i) of IPC	to undergo rigorous imprisonment for a period of one year and to pay fine of Rs.1,000/-, in default to undergo simple imprisonment for further period of three months.



S.No.	Conviction	Sentence
3.	Sec.5(m) r/w 6 of POCSO Act	To undergo rigorous imprisonment of twenty years and to pay a fine of Rs.1000/-, in default, to undergo simple imprisonment of three months
4.	Sec.5(n) r/w 6 of POCSO Act	To undergo rigorous imprisonment of twenty years and to pay a fine of Rs.1000/-, in default to undergo simple imprisonment for the period of three months
5.	5(l) r/w 6 of POCSO Act	To undergo rigorous imprisonment of twenty years and to pay a fine of Rs.1000/-, in default to undergo simple imprisonment of three months

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, who is his daughter. But in fact, there was a family dispute between himself and his wife, so, the victim girl was abused by him by making a false complaint against him and he has not committed any offence as alleged against him. He would submit that he is in custody from the date of arrest i.e. on 27.02.2022 for more than three years and seven 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



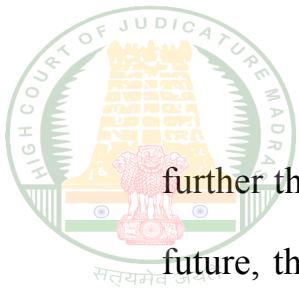
be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

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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 aged about 37 years. 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 he is a aged about 37 years and having family, due to his incarceration, his family is struggling for their livelihood and he is in custody from the date of arrest i.e. on 27.02.2022 for more than three years and nine months 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,



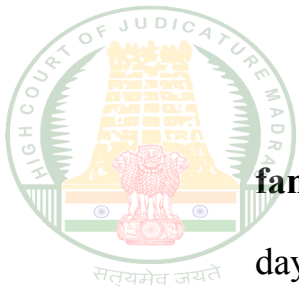
further this criminal appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions.

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 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 **Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court) Namakkal.**

(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 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 stay at Salem and he shall not have any communication with his**



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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. Furthermore, District Legal Services Authority, Namakkal is directed to verify whether the victim compensation was received by the defacto complainant, if not, take steps to get the victim compensation within 6 weeks.

25-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Sessions Judge, Magalir Nethi Mandram, (Fast Track Mahila Court),
Namakkal.

2. The Inspector of Police, All Women Police Station, Tiruchengode,
Namakkal District.

3. The Superintendent of Prison, Central Prison, Salem.

4. The Public Prosecutor, High Court, Madras.

5. District Legal Services Authority, Namakkal.



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T.V.THAMILSELVI J.

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