



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.10.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.No.19129 of 2025
in Crl.A.No.1024 of 2023**

P.Govindaraj

...Petitioner

Versus

State Represented by
The Inspector of Police,
Pennagaram All Women Police Station,
Krishnagiri District.
(Crime No.6/2021)

...Respondent

Prayer:

This Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C. and Section 430(1) of BNSS, 2023 praying to suspend the sentence of imprisonment imposed on the petitioner in Spl.S.C.No.29 of 2021 dated 22.08.2023 on the file of the Fast Track Mahila Court, Dharmapuri and enlarge the petitioner on bail pending disposal of Crl.A.No.1024 of 2023.

For Petitioner	:	Mr.P.M.Boris for M/s.P.M.Basil
For Respondent	:	Mr.V.Meganathan, Government Advocate (Crl.Side)



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/accused seeking to suspend the sentence imposed on him by the learned Sessions Judge, Fast Track Mahila Court, Dharmapuri vide Judgment dated 22.08.2023 in Spl.S.C.No.29 of 2021 and to enlarge him on bail pending disposal of the above Criminal Appeal.

2. The case of the prosecution is that *de-facto* complainant is residing at Chinnampalli Village, Perumpalai Post, Pennagaram Taluk, Dharmapuri District. The sister of *de-facto* complainant viz., Mrs.Chithra is a mentally retarded woman and the victim girl (daughter of Mrs.Chithra) aged about 16 years old is also a mentally retarded person. The said Chithra is under the care of her husband. Since the *de-facto* complainant has no issues, she adopted the victim girl (daughter of Mrs.Chithra) and she was taking care of the victim girl. While so, on 05.02.2021, at about 12.00 p.m., when the victim girl went for her nature's call at a secluded place of river side situated at Chinnampalli Village, Perumpalai Post, Pennagaram Taluk,



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petitioner/accused came there and he forcibly took the victim girl to the eastern side of Palanisamy land and committed aggravated penetrative sexual assault on the victim girl by having sexual intercourse with her. Even prior to the said occurrence, at the house of petitioner/accused, the petitioner/accused had committed aggravated penetrative sexual assault on the victim girl by having sexual intercourse with her. The petitioner/accused was very well aware of the fact that the victim girl is a mentally retarded person. Since the victim girl had not returned home, *de-facto* complainant searched for the victim girl near river side. When *de-facto* complainant found the victim girl, the victim girl narrated the entire incident to *de-facto* complainant. Thereafter, *de-facto* complainant gave a complaint to the respondent Police. On the basis of the complaint given by *de-facto* complainant, the respondent Police had registered a case in Crime No.6 of 2021 against the petitioner/accused and conducted investigation. After the completion of investigation, the respondent Police filed a Charge Sheet before the Fast Track Mahila Court, Dharmapuri which was taken on file in Spl.S.C.No.29 of 2021. The petitioner/accused was found guilty for the offence under Section 6(1) of POCSO Act, 2012. Hence, the learned



Sessions Judge, Fast Track Mahila Court, Dharmapuri vide Judgment dated 22.08.2023 in Spl.S.C.No.29 of 2021, convicted the petitioner/accused and sentenced him to undergo rigorous imprisonment for a period of 20 years and to pay a fine of Rs.25,000/-, in default, to undergo, 1 year simple imprisonment. Aggrieved by the said conviction and sentence, the petitioner/accused has preferred the present Criminal Appeal before this Court.

3. The learned counsel for the petitioner/accused submitted that the case has been foisted against the petitioner/accused for personal motive. It is also submitted that during the pendency of trial proceedings, a panchayat meeting was held at the village of petitioner/accused, in which, the family members of victim girl have agreed to withdraw the complaint lodged against the petitioner/accused.

3.1. It is further submitted by the learned counsel for the petitioner/accused that petitioner/accused has no previous criminal antecedents and he has been falsely implicated in this case. It is also



submitted that petitioner/accused has undergone incarceration for more than two years and he is ready to abide any condition to be imposed by this Court.

3.2. The learned counsel for the petitioner/accused also submitted that the petitioner/accused has a fair chance of succeeding in the Criminal Appeal. Therefore, the learned counsel for the petitioner/accused 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 at the time of alleged occurrence, the victim girl was 16 years old minor. That apart, the victim is a mentally retarded girl. The petitioner/accused had committed sexual assault on the victim girl and the same has also been proved beyond the reasonable doubts before the trial Court. Therefore, the learned Government Advocate (Crl.Side) appearing for the respondent Police has objected for suspending the sentence imposed on the petitioner/accused.



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5. Heard the learned counsel for the petitioner/accused and the learned Government Advocate (Crl.Side) appearing for the respondent Police.

6. Considering the submissions made by the learned counsel for the petitioner/accused coupled with the quantum of punishment imposed on the 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, 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;

(iii) The petitioner/accused shall appear before the respondent Police on every Saturday at 10.30 a.m. 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 his absence, as directed by the trial Court.

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

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

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

Note: Registry is directed to list the Criminal Appeal No.1024 of 2023 for hearing on 27.11.2025.



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To

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



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T.V.THAMILSELVI, J.

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