



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 15-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 18981 of 2025

AND

CRL A NO. 751 OF 2025

Thangavel Alias Siva
S/o.Eswaran, 27 Iraniyan Street - 2
Annai Sathya Nagar, Rangampalayam,
Erode.

Petitioner(s)

Vs

1. State Rep. by
Inspector of Police, Erode South Police
Station, Erode District. Cr.No.450/2019

2.Chinnu
W/o.Karuppan, 129 - Ranalatshmannan
Nagar, Perundurai Road,
Kumalafnkuttai, Erode District.

Respondent(s)

CRL MP No. 18981 of 2025

PRAYER

To suspend the sentence imposed by the Learned Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Erode in Special S.C.No.33 of 2020 dated 16.12.2024 and enlarge the petitioner on bail pending disposal of the above said Criminal Appeal



CRL A No. 751 of 2025

PRAYER

To set aside the conviction and sentence ordered by the Learned Sessions Judge Magalir Neethimandram, (Fast Track Mahila Court), Erode in Special SC No.33/2020 dated 16.12.2024.

For Petitioner(s): Mr. S. Parthasarathy

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

ORDER

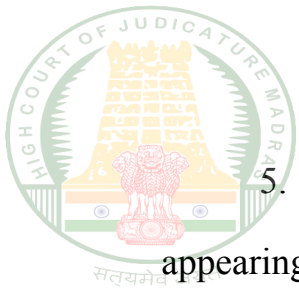
This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court), Erode in Spl.S.C.No.33 of 2020 dated 16.12.2024 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.33 of 2020 on the file of the learned Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court), Erode. He was found guilty of the offences under Section 5(1) r/w 6 of POCSO Act and he has been convicted and sentenced to undergo Rigorous Imprisonment for 20 years and to pay a fine of Rs.5000/- in default of payment of fine, to undergo simple imprisonment for 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, but in fact victim girl had a love affair with the petitioner and they were eloped, however parents of victim girl gave 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 judgment i.e. on 16.12.2024 for more than ten months. He would also submit that still he is still having valid defence, the prosecution also not proved the case beyond reasonable doubt, inspite of that, he was convicted. He would further 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. The learned counsel for defacto complainant would submit that the petitioner is used to have love affair and developed illegal intimacy with many girls and one of such girl is victim girl one such nature. Hence, he raised objections. But, the learned counsel for petitioner denied the said fact and contended that a false allegation levelled against him without any iota of proof. Even before the trial court, they have not produced any other victim girl in order to prove the character of petitioner, however, he is ready to abide any condition that may be imposed by this court.



5. 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 used to develop illegal intimacy with many girls. 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.

6. Heard the learned counsel appearing on either side and also perused the materials placed on record.

7. On seeing the facts, it reveals that both the victim and the petitioner were belong to same locality and victim girl had a love affair with the petitioner and they were eloped, however parents of victim girl gave a false complaint against him and he is in custody from the date of judgment i.e. on 16.12.2024 for more than ten months, still he is still having valid defence and he has no bad antecedents and 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.

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8. 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 is directed to deposit a sum of Rs.1,00,000/- (Rupees one lakh only)** for the mental agony caused to her to the credit of Spl. S.C.No. 33 of 2020 on the file of Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Erode within a period of four weeks from the date of release. On such deposit, the victim girl is permitted to withdraw the same on filing undertaking affidavit.

(b) 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, Magalir Neethimandram (Fast Track Mahila Court), Erode**

(c) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds



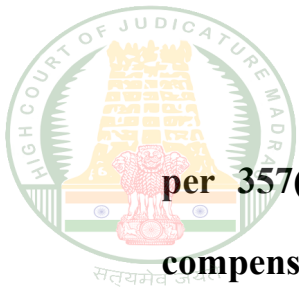
and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

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(d) **The petitioner shall appear before the respondent police on every Sunday 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.**

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

10. Furthermore, the allegation made against him without any iota of proof as rightly contended by the learned counsel for petitioner, however, the victim girl gave a statement against the petitioner, which shows that they have some affair, but however, on bare perusal of the order, there was no victim compensation was awarded to the victim girl and the case is ended without awarding compensation for the mental agony caused to her as well as her family. Therefore, this Court recommends that it is fit case to refer the matter as



per 357(A) (1)(2) and (6) of Victim Compensation Scheme to give a compensation of Rs.1,00,000/- (Rupees one lakh only) to the District Legal

Services Authority, Erode. The District Legal Services Authority is hereby directed to get the compensation to the victim girl by referring the matter to District Collector, Erode within a period of six weeks from the date of receipt of copy of this order. After sanction of the amount, she is permitted to withdraw the said amount.

15-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Erode.
2. Inspector of Police, Erode South Police Station, Erode District.
3. The Superintendent of Prison, Central Prison, Erode.
4. The Public Prosecutor, High Court, Madras.
5. The District Legal Services Authority, Erode.
6. District Collector, Erode.



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T.V.THAMILSELVI J.

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