



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.10.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.No.19039 of 2025
in Crl.A.No.908 of 2023**

Murugan

...Petitioner

Versus

The State Represented by
Inspector of Police,
Sathyamangalam All Women Police Station,
Sathyamangalam, Erode District.
Crime No.08/2022

...Respondent

Prayer:

This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS and Section 389(1) of Cr.P.C praying to suspend the sentence imposed by the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Erode in Spl.S.C.No.04/2023 dated 04.07.2023 and enlarge the petitioner on bail pending disposal of the above said appeal.

For Petitioner : Mr.S.Parthasarathy

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, Magalir Neethi Mandram (Fast Track Mahila Court), Erode vide Judgment dated 04.07.2023 in Spl.S.C.No.04/2023 and enlarge him on bail pending disposal of the above Criminal Appeal.

2. The case of the prosecution is that the victim minor girl and the petitioner/accused belong to a same village. On 13.07.2022, when the victim minor girl went to the place viz., “Pallam” for her nature's call, the petitioner/accused who was there, called the victim minor girl, removed her panties and sexually assaulted the victim minor girl. The said incident was witnessed by one Sathyapriya (neighbour of the victim minor girl) who immediately shouted for help and handed over the victim minor girl to her mother through another neighbour named Sathya. The mother of the victim minor girl was informed about the said incident. So, mother of the victim minor girl went to Gobichettipalayam All Women Police Station and lodged



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a complaint against the petitioner/accused. Based on the complaint given by the mother of victim minor girl, the respondent Police registered a case in Crime No.08/2022 against the petitioner/accused and conducted investigation. After the completion of investigation, the respondent Police filed a Charge Sheet against the petitioner/accused for commission of offences under Sections 5(m), 6 of Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as “POCSO Act”). The said Charge Sheet was taken on file in Spl.S.C.No.04/2023. The petitioner/accused was found guilty for the offence under Section 9(m) of the POCSO Act punishable under Section 10 of the POCSO Act. Therefore, the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Erode vide Judgment dated 04.07.2023 in Spl.S.C.No.04/2023, convicted the accused and sentenced him to undergo rigorous imprisonment for a period of 5 years for the offence under Section 9(m) of the POCSO Act punishable under Section 10 of the POCSO Act and to pay a fine of Rs.5,000/-, in default, to undergo 3 months simple imprisonment. Aggrieved by the said conviction and sentence, the petitioner has preferred the present Criminal Appeal before this Court.



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3. The learned counsel for the petitioner/accused submitted that the petitioner/accused has been falsely implicated in this case and the trial Court failed to appreciate the oral and documentary evidence and defence taken by the petitioner/accused.

3.1. It is submitted by the learned counsel for the petitioner/accused that the petitioner/accused is a married man and he has two children. The petitioner/accused is the sole bread winner of his family. Since the petitioner/accused has been under the judicial custody for a period of 2 years 3 months, his family members are financially struggling a lot to eke out their livelihood.

3.2. The learned counsel for the petitioner/accused submitted that the petitioner/accused is ready to abide any condition to be imposed by this Court. Therefore, the learned counsel for the petitioner/accused prayed that the substantive sentence imposed on the petitioner/accused may be suspended.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that at the time of alleged occurrence, the victim minor girl was 8 years old and the petitioner/accused was 40 years old. The petitioner/accused had sexually assaulted the victim minor girl.

4.1. It is further submitted by the learned Government Advocate (Crl.Side) for the respondent Police that the petitioner/accused was found guilty for the offence under Section 9(m) of the POCSO Act punishable under Section 10 of the POCSO Act. Therefore, the learned Government Advocate (Crl.Side) prayed that the sentence imposed on the petitioner/accused may not be suspended.

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 and also, taking note of the period of incarceration



undergone by the petitioner/accused till date, 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 shall also



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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 minor 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.908 of 2023 for hearing on 27.11.2025.



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To

1. The Sessions Judge,
Magalir Neethi Mandram (Fast Track Mahila Court),
Erode.
2. The Inspector of Police,
Sathyamangalam All Women Police Station,
Sathyamangalam, Erode District.
3. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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