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CRL MP No. 19094 of 2025



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. 19094 of 2025

IN

CRL A NO. 1585 OF 2025

Kattaian @ Jayapal
B9 Saravanampatty PS,CBE

Petitioner(s)

Vs

The Inspector of Police
Khizhpennathur Police Station, Crime
No. 1083/2020. Thiruvannamalai.

Respondent(s)

PRAYER

To Suspend the sentence passed in Special Sessions Case no. 97/2020 by the judgment dt. 05.08.2024 by the learned Sessions Judge Special Court for trial of cases under POCSO Act, Thiruvannamalai, Thiruvannamalai Division, Thiruvannamalai district by enlarging him on bail.

For Petitioner(s): Mr. M.G.Udayashankar

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

**ORDER**

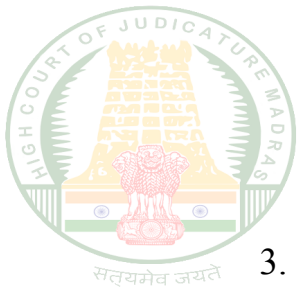
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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Special Court for POCSO Act cases, Thiruvannamalai, in Spl.S.C.No.97 of 2020 dated 05.08.2024 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.97 of 2020 on the file of the learned Sessions Judge, Special Court for POCSO Act cases, Thiruvannamalai. He was found guilty of the offences under Section 366 of I.P.C. and Sec.376(AB) of I.P.C. and Sec. 6 r/w 5 (m) 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.1,000/-, in default to undergo simple imprisonment for one year.
2	Section 376 (AB) of IPC and Sec.6 r/w 5(m) of POCSO Act	to undergo rigorous imprisonment for a period of 20 years and to pay fine of Rs.5,000/-, in default to undergo simple imprisonment for two years.

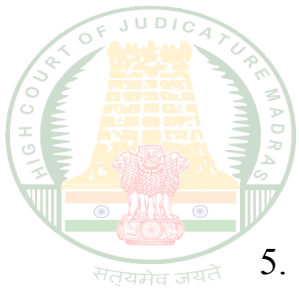
Aggrieved by the same, the petitioner had filed this appeal along with the present miscellaneous petition.



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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 he was a brother of husband of P.W.1 and on that day, they were in the consumption of alcohol, aggrieved that, P.W.1 gave a false complaint as if he made sexual assault to her daughter/victim girl and he has not committed any offence as alleged against him. He would submit that he is in custody from 07.12.2023 for more than two years and ten 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 the petitioner is a married man and both the victim girl and the petitioner were living in the same locality. 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.

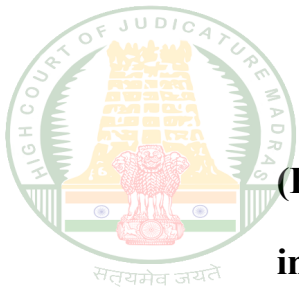


5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. On seeing the facts, it reveals that both the victim and the petitioner were belong to same locality and he is a married man and having family, due to his incarceration, his family is starving for their livelihood and he is in custody from 07.12.2023 for more than two years and ten months 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.

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/-**



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(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 Special Court for Trial of cases under POCSO Act, Thiruvannamalai.**

(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 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.**

8. With the above directions, this Criminal Miscellaneous Petition is ordered. Furthermore, District Legal Services Authority, Thiruvannamalai is directed to verify whether any compensation amount was paid to the victim girl, if not, take steps to refer the matter to District Collector, Thiruvannamalai and



get the victim compensation within a period of twelve weeks from the date of receipt of copy of this order.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Sessions Judge, Special Court for trial of cases under POCSO Act,
Thiruvannamalai.

2. The Inspector of Police, Khizhpennathur Police Station, Thiruvannamalai.

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

4. The Public Prosecutor, High Court, Madras.

5. District Legal Services Authority, Thiruvannamalai.

6. District Collector, Thiruvannamalai.



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T.V.THAMILSELVI J.

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(2/2)**