



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 20249 of 2025 AND CRL A NO. 785 OF 2025

1. Sivakumar

S/o.Devandiran, No.391,Mariamman
Kovil Street, Kaligapuram Villgae,
Semmampadi Post, Vandavasi Taluk,
Tiruvannamalai District.

Petitioner(s)

Vs

1. The State Rep. by, The Inspector of
Police,
Chetpet Police Station, Tiruvannamalai
District. (Crime No.27/2015)

Respondent(s)

PRAYER

To suspend the sentence passed by the Special Court for The Exclusive Trail of POCSO Act cases, Tiruvannamalai made in Spl.S.C.No.76 of 2019 by its judgment dated 14.02.2025 enlarge the petitioner on bail till the disposal of the above Criminal Appeal.

For Petitioner(s): S.M.Nandhie Devhan
E.Sundara Kumar
B.Koteswara Rao

For Respondent(s): Mr.V. Meganathan, Government
Advocate

**ORDER**

This Criminal Miscellaneous Petition has been filed by the petitioner, to suspend the sentence passed by the Special Court for The Exclusive Trail of POCSO Act cases, Tiruvannamalai made in Spl.S.C.No.76 of 2019 by its judgment dated 14.02.2025 enlarge the petitioner on bail till the disposal of the above Criminal Appeal.

2. The petitioner herein is the accused in Spl.S.C.No.76 of 2019 on the file of the Special Court for The Exclusive Trail of POCSO Act cases, Tiruvannamalai. He was found guilty of the offence under Section 376 of I.P.C and U/Section 4 of POCSO Act convicted and sentenced to undergo Rigorous imprisonment for 10 years and ordered to pay a fine of Rs.1,000/- and in default of payment of fine he shall undergo simple imprisonment for one year. Further he was convicted under Section 354 of I.P.C and under Section 8 of POCSO Act convicted and sentenced to undergo Rigorous imprisonment for three 3 years and ordered to pay a fine of Rs.1,000/- (Rupees one thousand only) and in default of payment of fine he shall undergo simple imprisonment for six months. Total fine of sum of Rs.2,000/- (Rupees two thousand only. The



sentences are ordered to run concurrently. The petitioner was not found guilty for the offence U/ Section 506(ii) of IPC and acquitted him under Section 232 of Cr.P.C. Challenging the same, the present appeal has been filed.

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal appeal and the petitioner/accused has 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 Government Advocate submitted that considering the nature of offence this Court had earlier dismissed the suspension of sentence filed by the petitioner. He also submits that the victim has now got married and living in her matrimonial home. However, he prays to dismiss this petition.

5. 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, 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. Accordingly, till the disposal of the Criminal appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) the petitioner/accused is ordered to be released on bail, on executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, in which one surety must be a blood related surety, each for a like sum to the satisfaction of the learned Special Court for The Exclusive Trail of POCSO Act cases, Tiruvannamalai.

(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.

(d) The petitioner shall appear before the Trial Court on every Tuesday 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 the date of his absence, as directed by the trial Court.



(f) the petitioner shall not to have any communication with
the victim family.

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

31-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The Inspector of Police,
Chetpet police Station,
Tiruvannamalai
2. The Special Court for The
Exclusive Trail of POCSO Act cases,
Tiruvannamalai
3. The Superintendent, Central Prison,
Vellore
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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