



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 19925 of 2025

AND

CRL A NO. 752 OF 2025

Ashok Kumar
S/o.Ramasamy,
Ambedkar Nagar,
Thandagoundanpalayam, Rasipuram
Taluk, Namakkal District

Petitioner(s)

Vs

State rep by The Inspector of Police
Mangalapuram Police Station,
Namakkal District Cr.No.10/2020

Respondent(s)

CRL MP No. 19925 of 2025

PRAYER

To suspend the sentence of imprisonment imposed in the judgement dated 29.04.2025 made in Spl.CC.20 of 2020 on the file of the Learned Sessions Judge, Magalir Neethimandram, Fast track Mahila Court, Namakkal and enlarge the petitioner on bail pending disposal of the above Criminal Appeal



CRL A No. 752 of 2025

PRAYER

To allow this appeal and set aside the order in Spl.CC.No.20 of 2020 dated 29.04.2025 convicting the accused by the Lrnd Sessions Judge, MNM, FTMC, Namakkal and acquit the appellant

For Petitioner(s): Mr. R.Venkatesh

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), Namakkal, in Spl.C.C.No.20 of 2020 dated 29.04.2025 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.C.C.No.20 of 2020 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Namakkal. He was found guilty of the offences under Section 5(m) 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.1000/- 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 he is friend of victim girl's father, with whom, there is a dispute with regard to money transaction, so he was falsely implicated in this case 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 29.04.2025 for more than six 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. He would submit that at the time of occurrence, victim is aged about 7 years and the petitioner is 24 years. 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.

WEB COPY

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 struggling for their livelihood and he is in custody from the date of judgment i.e. on 29.04.2025 for more than six months, he has no bad antecedents, now victim girl is under the care of parents, he is ready to abide any condition imposed by this court and victim compensation was also paid to her. 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 **shall deposit a sum of Rs.25,000/-**

(Rupees Twenty five Thousand only) for the mental agony



WEB COPY

caused to her to the credit of Spl. C.C.No.20 of 2020 on the file of learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Namakkal within a period of two weeks from the date of receipt of copy of this order. Failing which, the order passed by this Court shall stand automatically cancelled. On such deposit, the victim girl is permitted to withdraw the amount through her legal guardian on filing undertaking affidavit and on production of proper identification and acknowledgement.

(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), Namakkal.**

(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 respondent police on every Saturday at 10.30 a.m. for the period of three months and he shall also appear before the Trial Court on the**



WEB COPY

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.

29-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

rpp

To

1. Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court),
Namakkal.

2. The Inspector of Police
Mangalapuram Police Station, Namakkal District

3. The Superintendent of Prison, Central Prison, Puzhal, Chennai.

4. The Public Prosecutor, High Court, Madras.



WEB COPY

CRL MP No. 19925 of 2025



T.V.THAMILSELVI J.

rpp

**CRL MP No. 19925 of
2025
AND CRLA NO. 752 OF
2025**

29-10-2025