



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.M.P.No. 18936 of 2025

in

Crl.A.No. 830 of 2025

Ganesh @ Rajaganesh

...Petitioner

Vs.

1. The State by its
The Inspector of Police,
All Women Police Station,
Salem District.
(Crime No.16 of 2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed on the petitioner by the Sessions Judge, Principal POCSO Court, Salem in Spl. SC No. 35 of 2021 dated 2702.2025 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal No. 830 of 2025.



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For Petitioner : Mr. S. Esakkimuthu
For Respondent : Mr. V. Meganthan,
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner to suspend the sentence imposed on the petitioner by the Sessions Judge, Principal POCSO Court, Salem in Spl. SC No. 35 of 2021 dated 2702.2025 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal No. 830 of 2025.

2. The petitioner herein is the accused in Spl. SC No. 35 of 2021 on the file of the Sessions Judge, Principal POCSO Court, Salem . He was found guilty and he has been convicted and sentenced to imprisonment for 5 years for the offence under Section 366 IPC along with a fine of Rs.1,000/- in default to undergo rigorous imprisonment for 1 year and fine of Rs.1,000/- imposed for the offence under Sections 342 IPC., in default to undergo rigorous imprisonment for 6 months and 10 years imprisonment along with fine of Rs.1000/- for the offence under Section 5(l) r/w 6 of POCSO Act 2012 in default of payment of fine the petitioner has to undergo



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1 year rigorous imprisonment. Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that there was a love affair between the petitioner and the victim girl, she voluntarily stayed with the victim girl based on the complaint of her father he has been falsely implicated in this case. Now, the victim got married and he is ready to abide with any conditions and there are arguable points available in the Criminal Appeal and the petitioner/accused have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioners/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. 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.

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

6. Considering the facts and circumstances of the case, as per the victim statement she eloped with the petitioner and 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 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



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for a like sum to the satisfaction of the learned Sessions Judge, Principal POCSO Court, Salem. Further, the petitioner shall not have any communication with the victim girl.

(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 petitioners shall 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 there are not able to appear before the trial Court on any day, they 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.

13.10.2025

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T.V.THAMILSELVI. J



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To

1. The Sessions Judge, Principal POCSO Court, Salem.
2. The Inspector of Police,
All Women Police Station,
Salem District.
3. The Public Prosecutor,
Madras High Court,
Chennai.
4. The Central Prison, Salem.

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