



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 19312 of 2025

AND

CRL A NO. 1271 OF 2025

GOPINATH

S/o.Selvarathinam, No.1/313,
Manthaiveli Street, Puliyanankannu,
Walaja Taluk, Ranipet District.

Petitioner(s)

Vs

The Inspector of Police,
Ranipet All Women Police Station,
Ranipet. Cr.No.5/2022.

Respondent(s)

CRL MP No. 19312 of 2025

PRAYER

To suspension the sentence imposed in judgement by the Learned Principal District and Sessions Court , Ranipet , Ranipet District in Spl.S.C.No.40 of 2024 dated 28.07.2025 and enlarge the petitioner on bail pending disposal of the above appeal



CRL A No. 1271 of 2025

PRAYER

To call for the records in connection with the Spl.SC No.40/2024 on the file of Learned Principal District and Sessions Court, Ranipet, Ranipet District dated 28.07.2025 and set aside the conviction and sentence imposed by the Learned Principal District and Sessions Court, Ranipet, Ranipet District dated 28.07.2025.

For Petitioner(s): Mr. P.Muthamizhselvakumar

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 Principal District and Sessions Judge, Ranipet, Ranipet District, in Spl.S.C.No.40 of 2024 dated 28.07.2025 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.40 of 2024 on the file of the learned Principal District and Sessions Judge, Ranipet. He was found guilty of the offences under Section 17 r/w Sec.8 of POCSO Act and he has been convicted and sentenced to undergo Rigorous Imprisonment for 4 years and to pay a fine of Rs.1000/- in default of payment of fine, to undergo rigorous 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 is the driver of school van, he has been falsely implicated in this case as if on the time of occurrence, he is also present in the school van, when owner of van attempted to misbehave with the victim girl, who is a student travelling in the school van. In fact, he was a driver of vehicle, on that day, he is not aware what has happened on the back side of school van and he has not committed any offence as alleged against him. He would submit that he is a married man, having child and he is in custody from the date of judgment i.e. on 28.07.2025 for more than four months. He would also submit that 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 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 he had also abutting A1 and he is ranked as A2 in this case. Further, he would contend that on the date of occurrence, van owner Dayalan/A1 was having chatting with his driver while he has driven the school van, at that time, when the victim girl alone travelling in the school van, A1 attempted to make sexual abuse to her, at that time, he would have stopped the vehicle and rescued the girl, inspite of that, he driven the vehicle without



giving any precaution to her. He would submit 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 on the date of alleged occurrence, in the school van, victim alone was travelled and A1 attempted to misbehave with victim girl, at that time, school van was driven by this petitioner. As on date, school authority is not permitted to use the said school van and he is also not permitted to drive the school van. Furthermore, 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 the date of judgment i.e. on 28.07.2025 for more than four months and he has no bad antecedents. 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 directed to deposit a sum of **Rs.30,000/- (Rupees Thirty Thousand only) for the mental agony caused to her to the credit of Spl. S.C.No.40 of 2024 on the file of learned Principal District and Sessions Court, Ranipet within a period of four weeks from the date of his release.** On such deposit, the defacto complainant is permitted to withdraw the amount on filing undertaking affidavit.

(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 Principal District and Sessions Court, Ranipet.**

(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.



WEB COPY

(d) 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.

9. Furthermore, on perusal of order, a sum of Rs.5,00,000/- was awarded towards victim compensation, but the learned Government Advocate (Crl. Side) is not aware whether it was paid or not. Therefore, District Legal Services Authority, Ranipet is directed to verify whether the victim compensation was paid to the victim girl, if not, take steps to refer the matter to District Collector, Ranipet and to get compensation within a period of twelve weeks from the date of receipt of copy of this order.

17-10-2025



Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

rpp

To

1. Principal District and Sessions Judge, Ranipet.
2. The Inspector of Police, Ranipet All Women Police Station, Ranipet District.
3. The Superintendent of Prison, Central Prison, Vellore.
4. The Public Prosecutor, High Court, Madras.
5. District Legal Services Authority, Ranipet.
6. District Collector, Ranipet



WEB COPY

CRL MP No. 19312 of 2025



T.V.THAMILSELVI J.

rpp

**CRL MP No. 19312 of
2025
AND CRLA NO. 1271
OF 2025**

17-10-2025