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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 18861 of 2025
AND
CRL A NO. 1507 OF 2025

Ganesan
S/o.Pachiyappan, Poonchattihalli
Village, Petarahalli Post, Nallampalli
Post, Dharmapuri District.

Petitioner(s)

Vs

The State Rep by its,
The Inspector of Police,
Pennagaram All Women Police Station,
Dharmapuri District. Cr.No.1/2021.

Respondent(s)

CRL MP No. 18861 of 2025

PRAYER

To Suspend the execution of the order passed against the petitioner in Special Session Case No 133/2023 (Spl.S.C.No. 33/2021 of Fast Track Mahila Court, Dharmapuri) on the file of the Learned Session Judge, Special Court to deal with cases related to POCSO Act, Dharmapuri be suspended pending disposal of the Crl.A.

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For Petitioner(s): Mr. R.Raji

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 Fast Track Mahila Court, Dharmapuri, in Spl.S.C.No.133 of 2023 (Spl. S.C.No.33 of 2021 on the file of Fast Track Mahila Court, Dharmapuri) on the file of Sessions Judge, Special Court to deal with the cases related to POCSO Act, Dharmapuri dated 26.03.2024 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.133 of 2023 on the file of the learned Sessions Judge, Special Court to deal with the cases related to POCSO Act, Dharmapuri. He was found guilty of the offences under Section 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.25,000/- in default of payment of fine, to undergo simple imprisonment for six months. 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 is aged about 60 years as on date and has been falsely implicated in this case as if he had committed sexual assault to the victim girl, but in fact 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 26.03.2024 for more than one year and seven 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 victim girl was aged about 9 years, with whom, the petitioner attempted to have made sexual assault. He would submit that he 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.

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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 a female daughter, due to his incarceration, his family is struggling for their livelihood and he is in custody from the date of judgment i.e. on 26.03.2024 for more than one year and seven months and he has no bad antecedents and the fine amount was also paid. 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. **The fine amount is ordered to be returned to the victim girl.**

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/- (Rupees Twenty Five Thousand only)** with two sureties each, **in which one surety must be a blood surety,** for a like sum to

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the satisfaction of the **learned Special Court to deal with cases related to POCSO Act, Dharmapuri.**

(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 at 10.30 a.m. on every Saturday 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 his 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.

10-10-2025

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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 to deal with the cases related to POCSO Act, Dharmapuri.

2. The Inspector of Police, Pennagaram All Women Police Station, Dharmapuri.

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

4. The Public Prosecutor, High Court, Madras

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T.V.THAMILSELVI J.

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