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*Crl.M.P.No.18785 of 2025
in Crl.A.No.1480 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2025

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.M.P.No.18785 of 2025
in
Crl.A.No.1480 of 2025

Mohan (Raja)

...Petitioner

Vs.

The State rep by its
Inspector of Police
Dharapuram All Women Police Station,
Dharapuram.
(Crime No.5 of 2022)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to enlarge the petitioner on bail by suspending the sentence imposed by the learned Session Judge, Mahalir Needhi Mandram, (Fast Track Mahila Court) Thiruppur made in Spl.S.C.No.61/2022 dated 19.01.2024 pending disposal of Crl.A.No.1480 of 2025 on the file of this Court.

For Petitioners : M/s.S.Shanthakumari

For Respondents : Mr.V.Meganathan
Government Advocate (Crl.side)



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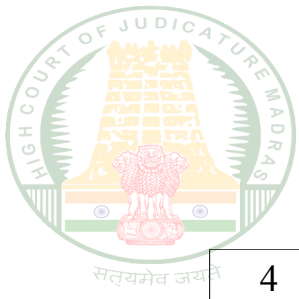
ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Session Judge, Mahalir Needhi Mandram, (Fast Track Mahila Court) Thiruppur in Spl.S.C.No.61/2022 dated 19.01.2024, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.61 of 2022 on the file of the learned Session Judge, Mahalir Needhi Mandram, (Fast Track Mahila Court) Thiruppur. He was found guilty of the offences under Section 5 (1), 5(m), 5(n) r/w 6 of the POCSO Act, 2012, Section 506(i) of IPC, Section 3(a) r/w 4(2) of POCSO Act and Section 376 AB IPC he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 5(1), 5(m), 5(n) r/w 6 of the POCSO Act, 2012	to undergo rigorous imprisonment for a period of twenty years and to pay fine of Rs.2,500/-, in default to undergo rigorous imprisonment for three months.
2	Section 506(i) of IPC	to undergo rigorous imprisonment of 2 years
3	Section 3(a) r/w 4(2) of POCSO Act	decided not to give separate sentence.



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4	Section 376 AB IPC	decided not to give separate sentence.
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The above said sentences are ordered to run concurrently.

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 the petitioner has been falsely implicated in this case and he is incarceration for more than 3 years and he has no bad antecedent. He further submitted 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. He further submitted that at the time of occurrence the petitioner's age was 43 years and the victim girl age was 7 years and he committed



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penetrative sexual assault on her. From the evidence it reveals that the petitioner had affair with the victim girl's mother and they got separated as on date. Further, he would contend that 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. 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.



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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 directed to deposit a sum of **Rs.75,000/- (Rupees Seventy Five thousand only)**, to the credit of SC.No.61 of 2022, on the file of the learned Sessions Judge Mahalir Needhi Mandram, FTMC, Thiruppur, without prejudice his defence, within a period of four weeks from the date of receipt of a copy of this order.

(b) 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 Sessions Judge Mahalir Needhi Mandram, FTMC, Thiruppur.

(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., until the disposal of the Criminal Appeal and he shall also appear before the Trial Court on the first working day of every English Calendar month at



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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.

(e) the defacto complainant is permitted to withdraw the amount, deposited by the petitioner, in SC.No.61 of 2022, on the file of the learned Sessions Judge Mahalir Needhi Mandram, FTMC, Thiruppur, on proper identification, in the manner known to law.

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

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

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dpq
Index : Yes/No
Speaking/non-speaking order



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T.V.THAMILSELVI, J.
dpq

To

1. The learned Session Judge,
Mahalir Needhi Mandram,
(Fast Track Mahila Court)
Thiruppur .
2. The Superintendent
Central Prison, Coimbatore
3. The Inspector of Police
Dharapuram All Women Police Station,
Dharapuram.
4. The Public Prosecutor,
Madras High Court,
Chennai.

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