



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 18816 of 2025

IN

CRL A NO. 1554 OF 2025

PRABU

S/o.Thangavel, Keel Theru, Menasi
Village and Post, Pappiredipatti Taluk,
Dharmapuri District.

Petitioner(s)

Vs

The State Rep by, The Inspector of
Police,
Pappireddipatti Police Station,
Dharmapuri District. Cr.No.16/2022.

Respondent(s)

CRL MP No. 18816 of 2025

PRAYER

To suspend the sentence imposed against the petitioner in Spl.S.C.No.171/2023 the file of the Learned Special Court to deal with cases related to Protection of Children from Sexual Offences Act, Dharmapuri, Dharmapuri District dated 31.07.2025 and enlarge the petitioner on bail pending disposal of the said Crl.A.No.1554/2025.



For Petitioner(s): Mr. E.Kannadasan

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, Special Court to deal with the cases related to POCSO Act, Dharmapuri, in Spl.S.C.No.171 of 2023 dated 31.07.2025 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.171 of 2023 on the file of the learned Sessions Judge, Special Court to deal with cases related to POCSO Act, Dharmapuri. He was found guilty of the offences under Section 366 of I.P.C., 5(1), (j)(ii) punishable under Sec. 6 of POCSO Act and he has been convicted and sentenced to undergo Rigorous Imprisonment for 10 years and to pay a fine of Rs.5000/- in default of payment of fine, to undergo simple imprisonment for one year under Sec.366 of I.P.C. And he was sentenced to undergo rigorous imprisonment for a period of 20 years and to pay a fine of Rs.25,000/-, in default, to undergo simple imprisonment for one year under Sec.5(1), S.5(j)(ii) punishable under Sec.6 of I.P.C.. 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 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 31.07.2025 for more than four months. He would also submit that there are arguable points available in the Criminal Appeal and the petitioner/accused has 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. 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.



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 31.07.2025 for more than four months and he has no bad antecedents and the victim girl was now under the care of her parents. 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 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 Special Court to deal with the cases related to POCSO Act, Dharmapuri.**



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(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 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 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, today, when the matter taken up for hearing, wife of the petitioner/appellant also appeared before this court along with her child and even she is ready to take the child born to the victim girl and the appellant. As on date, the child born to the victim girl and this appellant was handed over to the Government Home as per the evidence given by the victim girl before the



trial court. The victim girl was now under the care of her parents. On seeing the facts of the case, the Government has recommended to pay a sum of Rs.5,00,000/- to the victim girl. The District Legal Services Authority, Dharmapuri is directed to verify whether the victim girl has received the entire compensation or not, if not, take steps to refer the matter to District Collector, Dharmapuri and to get the compensation amount as per manner known to law within a period of twelve weeks from the date of receipt of copy of this order. **Moreover, if at all, they wanted to brought up the son born to the petitioner, they have to approach the concerned authority and get the child as per manner known to law.**

21-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Special Court to deal with cases related to POCTO Act, Dharmapuri.
2. The Inspector of Police,
Pappireddipatti Police Station, Dharmapuri District.
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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