



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL A No. 1537 of 2025

AND

CRL MP NO. 18627 OF 2025

1. Saravanan

S/o.Vetri, NO.8, 6th Street,
K.M.Garden near Vasanthi Theatre,
Purasaiwalkam, Chennai-71

Appellant(s)

Vs

1. State rep by the Inspector of Police
W-7, All Women Police Station, annan
nagar, Chennai-40

Respondent(s)

PRAYER

To suspend the sentence imposed on the petitioner by the judgment dated 10.06.2024 in SC No.172/2018 passed by the Court of Session Judge Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, pending disposal of the Criminal Appeal.

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For Appellant(s): L.K.Sudhirgha Basu
S.Arumugam



M.Thanabal
D.Ramu

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For Respondent(s): Public Prosecutor

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the judgment dated 10.06.2024 in SC No.172/2018 passed by the Court of Session Judge Special Court for Exclusive Trial of Cases under POCSO Act, Chennai(in short "trial court"), pending disposal of the Criminal Appeal.

2. The petitioner herein convicted by the Trial Court under Section 6 of POCSO Act and sentenced to undergo Rigorous Imprisonment for 10 years and to pay a fine of Rs.5,000/-, in default, to undergo Simple Imprisonment for one month. Aggrieved over the same, the petitioner filed the appeal and this Miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that the petitioner is in jail for the past 1 ½ years. There was previous a enmity between between the petitioner's family and victim family due to which



the petitioner has been falsely implicated in this case as if he committed penetrative sexual assault against the victim girl. Further 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 petitioners/accused may be suspended. He would submit that the petitioners are 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 stated that the victim was aged about 13 years at the time of occurrence and the petitioner is cousin brother of victim girl. 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. As per the petitioner's counsel, the petitioner has been living with little child. 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 petitioners 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 for



a like sum to the satisfaction of the learned Court of Session Judge Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

(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. Further, the petitioner shall not have any communication with the victim girl.

(c) The petitioners shall appear before the Trial Court on the first and last 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.

30-10-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The Court of Session Judge Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.
2. The Central Prison -I, Puzhal.
3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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