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CRL MP No. 19167 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 19167 of 2025

IN

CRL A NO. 1590 OF 2025

L.Subramanian
S/o.Lakshmana Perumal,
1/90 A, Dhanalakshmi Nagar,
Vilankurichi,
Coimbatore North-641 035,
Coimbatore District.

Petitioner(s)

Vs

The State Rep by, The Inspector of
Police,
All Women Police Station/East,
Coimbatore City, Coimbatore District.
Cr.No.12/2021.

Respondent(s)

PRAYER

To suspend the sentence imposed in the judgement dated 29.09.2025 made in Spl.CC No.90/2021 on the file of the Ld.Sessions Judge, Special Court for the Protection of Children from Sexual Offences Act Cases, Coimbatore and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.



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For Petitioner(s): Mr. N. Manoharan

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 for the POCSO Act Cases, Coimbatore, in Spl.C.C.No.90 of 2021 dated 29.09.2025 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.C.C.No.90 of 2021 on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Coimbatore. He was found guilty of the offences under Section 10 of POCSO Act and 506 (i) of I.P.C., he has been convicted and sentenced to undergo Rigorous Imprisonment for 5 years and to pay a fine of Rs.10,000/- in default of payment of fine, to undergo simple imprisonment for one year for an offence under Sec.10 of POCSO Act and also sentenced to undergo rigorous imprisonment for 2 years and to pay a fine of Rs.5000/-, in default, to undergo simple imprisonment for three months for an offence under Sec.506(i) 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, the petitioner and father of victim girl are close relatives and already there was a family dispute between them, hence, a false complaint was lodged against him and he has not committed any offence as alleged against him. He would submit that there is no such occurrence happened on that day as alleged by the petitioner and he is in custody from the date of judgment i.e. on 29.09.2025 for more than one month. 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 the victim girl is aged about 13 years and the petitioner is aged about 39 years at the time of occurrence and he was a married man and both the victim girl and the petitioner were living in the same locality. Further, he would contend that he has sexually abused the victim girl when she alone in her house on the date of occurrence and the same was proved beyond reasonable doubt. He would further 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. Admittedly, the victim girl and the petitioner are close relatives and mother of victim girl gave a complaint as if the petitioner abused sexually the victim girl, when she was alone in her house. But, on considering the fact that the petitioner 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 29.09.2025 for more than one month 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 **shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only)** for the mental agony caused to her to the credit of Spl.C.C.No.90 of 2021 on the file of learned Special Court for POCSO Act Cases, Coimbatore, within a period of three weeks from the date of his release. Failing which, the order passed by this Court shall stand automatically cancelled. On such deposit, the victim girl is permitted to withdraw the amount on filing undertaking affidavit and on production of proper identification and acknowledgement.

(b) The petitioner/accused is ordered to be released on bail, on his 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 for POCSO Act Cases, Coimbatore.



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(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 report 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.

05-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Sessions Judge, Special Court for POCSO Act Cases, Coimbatore. To
2. The Inspector of Police,
All Women Police Station/East, Coimbatore City, Coimbatore District.
3. The Superintendent of Prison, Central Prison, Coimbatore.
4. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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(2/2)**