



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 19127 of 2025

AND

CRL A NO. 916 OF 2025

MURUGAN

S/o.Ramalingam, No.34, Pillaiyar Koil
Street, Kilkarikathur Village, Polur
Taluk, Tiruvannamalai District.

Petitioner(s)

Vs

The State Rep by, The Inspector of
Police,
All Women Police Station, Polur,
Tiruvannamalai District. Cr.No.1/2023.

Respondent(s)

CRL MP No. 19127 of 2025

PRAYER

To enlarge the petitioner on bail by suspending the sentence imposed on him in Honble Session Judge, Special Court for Exclusive Trial of cases under POCSO Act, Tiruvannamalai, Spl.S.C.2/2013 dated 28.05.2025

CRL A No. 916 of 2025

PRAYER

To set aside the conviction and sentence made in Spl.SC No.20/2023 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai dated 28.05.2025.



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CRL MP No. 19127 of 2025



For Petitioner(s): Mr. P.M.Basil

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 Exclusive Trial of cases under POCSO Act, Tiruvannamalai, in Spl.S.C.No.20 of 2023 dated 28.05.2025 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.20 of 2023 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Thiruvannamalai. He was found guilty of the offences under Section 376(3), 376(2)(n) of I.P.C. and Sec.5(1), r/w 6(1) of POCSO Act and Sec.506(ii) of I.P.C. He has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 376(3), 376(2)(n) of I.P.C. and Sec.5(1) r/w 6(1) of POCSO Act	to undergo rigorous imprisonment for a period of 20 years and to pay fine of Rs.10,000/-, in default to undergo simple imprisonment for six months.
2	Section 506(ii) of IPC	to undergo rigorous imprisonment for a period of 3 years.

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 penetrative sexual assault to the victim girl, but the prosecution also not proved the case beyond reasonable doubt, inspite of that, he was convicted and still he is having valid defence. He would also submit that D.N.A. Report reveals that the paternity of the child is not tallied with the victim girl and the petitioner. He would submit that the victim girl got developed with illegal intimacy with some other person, for which, a false complaint lodged against him. He would submit that 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 28.03.2024 for more than one year and six 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 victim girl is aged about 15 years at the time of occurrence and both are living the same locality. Further, he would contend that he has no bad antecedents, he is aged about 24 years and the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond

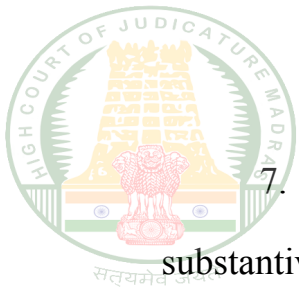


reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

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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, he is aged about 24 years, he has committed penetrative sexual assault and though the case is also proved before the trial court, on a bare perusal of the D.N.A. Report, he is excluded from paternity and there is no legal infirmity, still he is having valid defence and he is in custody from the date of judgment i.e. on 28.05.2025 for more than five months 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 is directed to deposit a sum of Rs.50,000/- (Rupees fifty thousand only)** for the mental agony caused to her to the credit of Spl. S.C.No. 20 of 2023 on the file of Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Tiruvannamalai. On such deposit, the victim girl is permitted to withdraw the same on filing undertaking affidavit.

(b) 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 for Exclusive Trial of cases under POCSO Act, Tiruvannamalai.**

(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 Sunday at 10.30 a.m. for the period of three**



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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, **as per 357(A) (1)(2) and (6) of Victim Compensation Scheme**, the District Legal Services Authority, Tiruvannamalai, is hereby directed to get the compensation of **Rs.2,00,000/- (Rupees two lakhs only)** to the victim girl by referring the matter to **District Collector, Tiruvannamalai** within a period of 12 weeks from the date of receipt of copy of this order. After sanction of the amount, she is permitted to withdraw the said amount.

15-10-2025

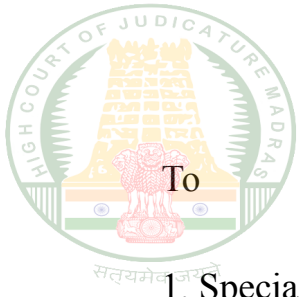
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Special Court for Exclusive Trial of cases under POCSO Act,
Tiruvannamalai.

2. The Inspector of Police,
All Women Police Station, Polur, Tiruvannamalai District.

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

4. The Public Prosecutor, High Court, Madras.

5. District Legal Services Authority, Tiruvannamalai.

6. District Collector, Tiruvannamalai.



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T.V.THAMILSELVI J.

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