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CRL MP No. 19288 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 19288 of 2025

AND

CRL A NO. 523 OF 2025

Perumal

S/o.Appu Chetty, Road Street,
Kizvillivakkam Village, Vandavasi
Taluk, Tiruvannamalai District.

Petitioner(s)

Vs

The State Rep.by
The Inspector of Police
Vandavasi All Women Police Station,
Vandavasi, Thiruvannamalai District.
Cr.No.4 of 2019

Respondent(s)

CRL MP No. 19288 of 2025

PRAYER

To suspend the sentence and fine imposed by the Special Court for POCSO Cases at Tiruvannamalai in Spl.SC.No.26/2020 dated 27.08.2024 and enlarge the petitioner/appellant/accused on bail pending disposal of the above Criminal Appeal.



CRL A No. 523 of 2025

PRAYER

To allow the appeal and to set aside the judgment conviction and sentence dated 27.08.2024 in Spl.SC.No.26/2020 on the file of Special Court for POSCO Cases, Thiruvannamalai , Thiruvannamalai District

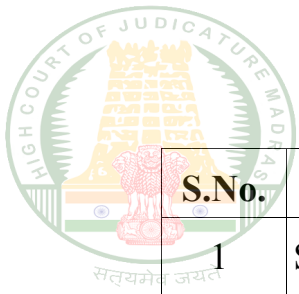
For Petitioner(s): Mr.S.L.Venkatesan

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 POCSO Cases, Thiruvannamalai, in Spl.S.C.No.26 of 2020 dated 27.08.2024 and enlarge the petitioner on bail pending disposal of the above appeal.

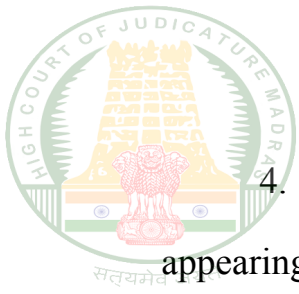
2. The petitioner herein is the accused in Spl.S.C.No.26 of 2020 on the file of the learned Sessions Judge, Special Court for POCSO Cases, Thiruvannamalai. He was found guilty of the offences under Section 366, 376 (AB) of I.P.C. and Sec. 6 of POCSO Act and he has been convicted and sentenced as under:



S.No.	Conviction	Sentence
1	Section 366 of I.P.C.	to undergo rigorous imprisonment for a period of five years and to pay fine of Rs.5000/-, in default to undergo simple imprisonment for one year.
2	Section 376 (AB) of IPC and Sec.6 of POCSO Act	to undergo rigorous imprisonment for a period of 20 years and to pay fine of Rs.5,000/-, in default to undergo simple imprisonment for two 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 the victim gave a complaint against two unknown persons and subsequently, this petitioner was implicated along with other accused as if they have committed sexual assault to the victim girl, but in fact he has not committed any offence as alleged against him and he is having valid defence, but the prosecution has also not proved the case beyond reasonable doubt, but the trial court convicted him. He would submit that he is in custody from 09.07.2024 for more than fifteen 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 on the date of occurrence, this petitioner along with another accused gave false information to victim girl and took her to a remote place, have made a sexual assault to her and the same was also proved. Further, he would contend that victim is aged about 12 years at the time of occurrence and the petitioner is aged about 22 years and 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 as on date, victim is under the care of parents and the victim compensation of Rs.5,00,000/- was received by her and he is a married man and having two female children, due to his incarceration, his family is starving for their livelihood and he is in custody from on 09.07.2024 for more than 15 months, fine amount was paid and he has no bad antecedents. Considering that and considering the facts and circumstances of the case coupled with the quantum of punishment imposed

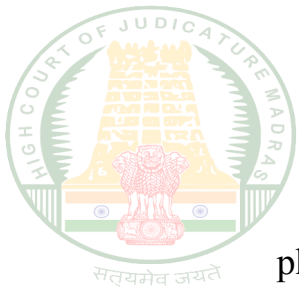


upon the petitioner, also by considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police, further this criminal appeal is not likely to be taken for final hearing in the near future, this Court is of the view 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/accused 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.26 of 2020 on the file of learned Special Court for Exclusive Trial of POCSO Cases, Thiruvannamalai within a period of four weeks from the date of receipt of copy of this order.** On such deposit, the defacto complainant is permitted to withdraw the amount 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 POCSO Cases, Thiruvannamalai.**



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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 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.

17-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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1. Sessions Judge, Special Court for Exclusive trial of POCSO Cases,
Tiruvannamalai.
2. The Inspector of Police
Vandavasi All Women Police Station, Vandavasi,
Thiruvannamalai District.
3. The Superintendent of Prison, Central Prison, Vellore.
4. The Public Prosecutor, High Court, Madras



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T.V.THAMILSELVI J.

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