



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 18584 of 2024

AND

CRL A NO. 1668 OF 2024

KUMAR

S/o.Krishnasamy, Big Street,
Kilkathirpur Village, Melkathirpur Post,
Kancheepuram Taluk And District.

Petitioner(s)

Vs

The State Rep By, The Inspector Of
Police
Kancheepuram All Women Police
Station, Kancheepuram District. Crime
No.16 Of 2022

Respondent(s)

CRL MP No. 18584 of 2024

PRAYER

To suspend the execution of sentence imposed on the Petitioner/Appellant by the Learned Session Judge, Special Court for the Exclusive Trial of POCSO Act, Chengalpattu in Special S.C.No.28 of 2023 dated 22.10.2024 and enlarge the petitioner on bail pending disposal of the above appeal.



CRLA No. 1668 of 2024

PRAYER

To set aside the Judgment of conviction and sentence passed by the Learned Session Judge, Special Court for the Exclusive Trial of POCSO Act, Chengapattu in Special S.C.No.28 of 2023 dated 22.10.2024 and acquit the appellant and thus render justice.

For Petitioner(s): Mr. E.Sathiyaraj

For Respondent: 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, Chengalpattu, in Spl.S.C.No.28 of 2023 dated 22.10.2024 and enlarge the petitioner on bail pending disposal of the above appeal.

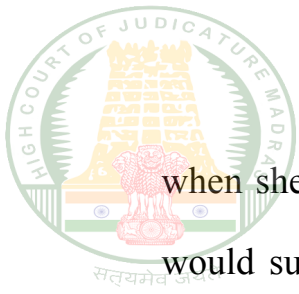
2. The petitioner herein is the accused in Spl.S.C.No.28 of 2023 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Chengalpattu. He was found guilty of the offences under Sections 341, 506(ii) of I.P.C. and Sec. 6(1) of POCSO Amendment Act and he has been convicted and sentenced to undergo imprisonment for one month for the offence under Sec.341 of I.P.C., sentenced to undergo Rigorous



Imprisonment for 20 years and to pay a fine of Rs.1,000/- in default of payment of fine, to undergo simple imprisonment for one year for the offence under Sec.6(1) of POCSO Amendment Act. 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 they were residing in the same street, but they are having some enmity, due to which, he was falsely implicated in this case. He would submit that he has not committed any offence as alleged against him and he is in custody from the date of judgment i.e. on 22.10.2024 for more than one year and he is surviving with his family. 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.

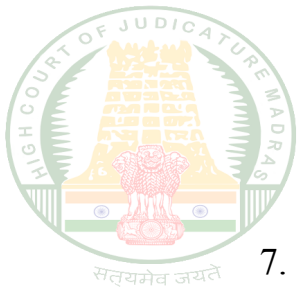
4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition and contended that the victim girl is aged about 11 years at the time of occurrence and the petitioner is aged about 52 years. He would submit that



when she went to his shop, the petitioner committed sexual assault on her. He would submit that both the victim girl and the petitioner were residing in the same street. 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 residing in the same street 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 22.10.2024 for more than one year and he has no bad antecedents and he is ready to abide any condition imposed by this court. Furthermore, the victim compensation was already received by the victim girl. 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 Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Chengalpattu.**

(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 his 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. Post the matter on 03.12.2025.

08-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Chengalpattu

2. The Inspector Of Police
Kancheepuram All Women Police Station, Kancheepuram District.

3. The Superintendent of Prison, Central Prison, Puzhal, Chennai.

4. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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