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CRL MP No. 19168 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 15-10-2025**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CRL MP No. 19168 of 2025**

**AND**

**CRL A NO. 1367 OF 2025**

Suresh

S/o.P.Settu Alias Govindasamy,  
Residing at Periyagoundanpatti Village,  
Karimanglam Taluk, Dharmapuri  
District. (Presently confined in Central  
Prison, Salem)

Petitioner(s)

Vs

The State Rep. by  
The Inspector of Police, All Women  
Police Station, Harur, Dharmapuri  
District.

Respondent(s)

**PRAYER**

To Suspend the Sentence imposed on the petitioner by judgment dated 26.03.2025 in Spl.S.C.No.290 of 2023 by the Special Court for POCSO Cases, Dharmapuri, and release the petitioner on bail pending final disposal of the Criminal Appeal and Pass such further or other orders as this Honble Court.



**CRL A No. 1367 of 2025**

**PRAYER**

The appellant prefers this appeal on grounds of Criminal appeal against the Judgment and order of conviction passed by the Learned Spl.Sessions Judge for POCSO Cases at Dharmapuri in Spl.SC.No.290/2023 dated 26.03.2025 and prays that this Honorable Court may be pleased to set aside the same.

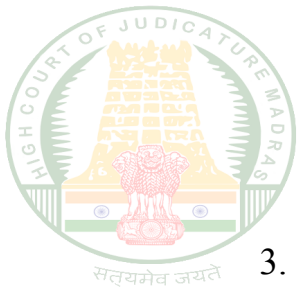
For Petitioner(s): Mr. R.Vijayakumar

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, Dharmapuri, in Spl.S.C.No.290 of 2023 dated 26.03.2025 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.290 of 2023 on the file of the learned Sessions Judge, Special Court for POCSO cases, Dharmapuri. He was found guilty of the offences under Section 5(1), 5(j)(ii) r/w 6 of POCSO Act and he has been convicted and sentenced to undergo Rigorous Imprisonment for 20 years and to pay a fine of Rs.20,000/- in default of payment of fine, to undergo simple imprisonment for twelve months. Aggrieved by the same, the petitioner had filed this appeal along with the present miscellaneous petition.



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3. The learned counsel for the petitioner/accused would submit that he is aged about 32 years and he has been falsely implicated in this case as if he had committed sexual assault to the victim girl, but in fact the prosecution also proved the case beyond reasonable doubt, inspite of that, he was convicted, however he has not committed any offence as alleged against him. He would submit that he is in custody from 09.04.2023 for more than two year and six 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 D.N.A. Test conducted by the forensic lab was not conducted in a proper manner, still he is suffering with legal infirmity and having valid defence. 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 13 years at the time of occurrence and the petitioner is a married man and both the victim girl and the petitioner were living in the same locality. 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.

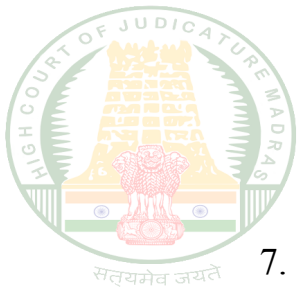


According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

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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 and he is a married man and having family, due to his incarceration, his family is starving for their livelihood and he is in custody from 09.04.2023 for more than 2 years and six months and he has no bad antecedents. As on date, victim girl is with the care of parents and she is studying XII Std.. The part of victim compensation amount was paid and foetus has been aborted. 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.

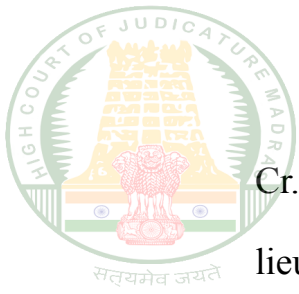


7. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment imposed by the learned trial Judge is alone suspended and bail are granted on the following conditions:

(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 Fast Track Judge, Mahila Court, Dharmapuri.**

(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 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.

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8. With the above directions, this Criminal Miscellaneous Petition is ordered. Furthermore, District Legal Services Authority, Dharmapuri is directed to verify whether the entire victim compensation was paid or not, if not, take steps to refer the matter to District Collector, Dharmapuri and to get the compensation amount within a period of twelve weeks from the date of receipt of copy of this order.

**15-10-2025**

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Sessions Judge, Special Court for POCSO Cases, Dharmapuri.
2. Fast Track Judge, Mahila Court, Dharmapuri.
3. The Inspector of Police, All Women Police Station, Harur, Dharmapuri Dt.
4. The Superintendent of Prison, Central Prison, Salem.
5. The Public Prosecutor, High Court, Madras.
6. District Legal Services Authority, Dharmapuri.
7. District Collector, Dharmapuri.



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**T.V.THAMILSELVI J.**

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