



WEB COPY

CRL MP No. 20303 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 20303 of 2025

AND

CRL A NO. 1276 OF 2024

1. Kuruvithalaiyan @ Gokulakannan
S/o.Kanthasami, No.3/40, Devendhirar
Street, Annaipalaiyam, Rasipuram
Taluk, Namakkal District.

Petitioner(s)

Vs

1. The State rep.by, The Inspector of
Police
All Women Police Station, Rasipuram,
Namakkal District. Cr.No.10/2020.

Respondent(s)

PRAYER

To SUSPEND the operation and execution of the sentence imposed by the learned Mahila Court, Namakkal, dated 11.06.2024, made in Spl.C.C.No.10/2021 till the disposal of the appeal, and may be pleased to enlarge the above Petitioner/Appellant on bail till the disposal of the pending disposal.



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For Petitioner(s): M.Dinesh
K.B.Civakumarankanagmani
P.Bhavani
D.Suresh

For Respondent(s): Public Prosecutor

ORDER

This petition has been filed to suspend the operation and execution of the sentence imposed by the learned Mahila Court, Namakkal, dated 11.06.2024, made in Spl.C.C.No.10/2021 till the disposal of the appeal, and may be pleased to enlarge the above Petitioner/Appellant on bail till the disposal of the pending disposal.

The petitioner herein was convicted by the Mahila Court, Namakkal, in Spl.C.C.No.10/2021 for the offences under Section 5(l) r/w 6(2 counts) of POCSO Act and Sentenced to undergo Rigorous Imprisonment for 20 years on each count and to pay a fine of Rs.1,000/-, in default, to undergo Simple Imprisonment for 3 months. Aggrieved over the same, the petitioner filed this appeal with miscellaneous petition to suspend the sentence.



3. The learned counsel for the petitioner/accused would 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 petitioners/accused may be suspended. Further, he submits the petitioner is in jail for the past five years. 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. Further, he would contend that 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.



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6. 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 petitioners 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 and the victim is under the care of her parents, 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 (one must be a blood surety) each for a like sum to the satisfaction of the learned Mahila Court, Namakkal. Further, the petitioner shall not have any communication with the victim girl.



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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 petitioners shall appear before the Trial Court on the first and last working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Appeal and if there are not able to appear before the trial Court on any day, they 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.

04-11-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Mahila Court, Namakkal.
2. The Central Prison, Salem.
3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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