



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.No.19729 of 2025
in Crl.A.No.1625 of 2025**

Jayasuriya

...Petitioner

Versus

The State Rep. by
The Inspector of Police,
W-1, All Women Police Station,
Thousand Lights, Chennai.

...Respondent

Prayer:

This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023 praying to suspend the sentence passed in Special Sessions Case No.9 of 2022 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai and release the accused on bail pending disposal of the Criminal Appeal No.1625 of 2025 on the file of this Court.

For Petitioner : Mr.V.K.Sathiamurthy

For Respondent : Mr.V.Meganathan,
Government Advocate (Crl.Side)



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner seeking to suspend the sentence of imprisonment imposed on him by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai vide Judgment dated 22.09.2025 in Spl.S.C.No.9 of 2022 and enlarge him on bail pending disposal of the present Criminal Appeal.

2. The petitioner is an accused in Spl.S.C.No.9 of 2022 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Chennai. The petitioner/accused was found guilty for commission of offence under Section 366 of IPC and Section 6 of POCSO Act, 2012. Therefore, the Trial Court vide Judgment dated 22.09.2025 in Spl.S.C.No.9 of 2022, convicted the petitioner/accused and sentenced him as follows:

S.No.	Offence	Punishment
1	Under Section 366 of IPC	To undergo 10 years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 1 month simple imprisonment.
2	Under Section 6 of POCSO Act, 2012	To undergo 20 years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 1 month simple imprisonment.



Aggrieved by the said conviction and sentence, petitioner/accused has preferred this Criminal Appeal.

3. The learned counsel for petitioner/accused submitted that the petitioner/accused is a married man. The petitioner has been under the judicial custody since 22.09.2025 and thus, his family members are financially struggling a lot to eke out their livelihood. The petitioner/accused is ready to abide any condition to be imposed by this Court. Therefore, the learned counsel prayed that the substantive sentence imposed on the petitioner/accused may be suspended.

4. The learned Government Advocate (Crl.Side) appearing for respondent Police submitted that the petitioner/accused had committed penetrative sexual assault on the victim girl repeatedly, fully knowing well that she was a minor aged about 15 years. That apart, petitioner/accused is a History Sheeter and he has a previous case. Therefore, the learned Government Advocate (Crl.Side) submitted that he has serious objection for granting bail to petitioner/accused.



4.1. It is further submitted by the learned Government Advocate (Crl.Side) for respondent Police that now the victim girl is under the care and custody of her parents.

5. Heard the learned counsel on both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsel for petitioner/accused coupled with the quantum of punishment imposed on the petitioner/accused and taking into consideration of the fact that the Criminal Appeal is likely to be taken up for final hearing in the near future, this Court is inclined to suspend the substantive sentence of imprisonment alone.

7. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(i) The petitioner/accused shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Spl.S.C.No.9 of 2022 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, within a period of four weeks from the date of his release on bail, failing which, this order shall stand automatically cancelled;



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(ii) On such deposit being made, parents of the victim girl are permitted to withdraw the amount of Rs.1,00,000/- deposited by the petitioner/accused in Spl.S.C.No.9 of 2022 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Chennai and utilize the said amount for the welfare of victim girl;

(iii) If the petitioner/accused fails to deposit the aforesaid amount, it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence;

(iv) The sentence of imprisonment imposed on the petitioner/accused shall be suspended and the petitioner/accused shall be released on bail on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (out of which, one surety should be blood surety), each for a likesum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai;

(v) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the trial Court may obtain a copy of their Aadhaar Card or Bank Pass Book and their mobile numbers to ensure their identity;

(vi) The petitioner/accused shall stay at Dharmapuri and appear before the Inspector of Police, Town Police Station, Dharmapuri on every Saturday at 10.30 a.m. and also, he shall



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appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., till the disposal of Criminal Appeal 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 355 of BNSS, 2023 and shall appear before the trial Court on any other day in lieu of his absence, as directed by the trial Court; and

(vii) The petitioner/accused shall not have any communication with the victim girl and her family.

8. With the above directions, this Criminal Miscellaneous Petition is allowed.

24.11.2025

mrr

Index: Yes/No

Speaking Order (or) Non-Speaking Order

Note: Registry is directed to list CrI.A.No.1625 of 2025 for hearing on 30.01.2026.



To

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1. The Sessions Judge,
Special Court for Exclusive Trial of
Cases under POCSO Act,
Chennai.
2. The Inspector of Police,
W-1, All Women Police Station,
Thousand Lights, Chennai.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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