



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 19330 of 2025

AND

CRL A NO. 1622 OF 2024

AJITHKUMAR

S/O.Elumalai,

No.64, School Street, Aanaaipirathan

Village, Tiruvannamalai Taluk.

Petitioner(s)

Vs

The State Rep. By, Inspector Of Police

All Women Police Station,

Tiruvannamalai, Tiruvannamalai

District.

Respondent(s)

CRL MP No. 19330 of 2025

PRAYER

To suspend the sentence made in Spl.S.C.No.115/2019, dated 18.09.2024, passed by the Special Court (POCSO Cases), Tiruvannamalai, and enlarge the petitioner on bail pending disposal of the Crl.A.No.1622/2024.

**CRL A No. 1622 of 2024****PRAYER**

To call for the records and set aside the judgement of conviction and sentence made in Spl.S.C.No.115/2019, on the Special Court (POCSO Cases), Tiruvannamalai, dated 18.09.2024.

For Petitioner(s): Mr. B.Jawahar

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 Special Court (POCSO Cases), Tiruvannamalai, in Spl.S.C.No.115 of 2019 dated 18.09.2024 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.115 of 2019 on the file of the learned Sessions Judge, Special Court (POCSO Cases), Tiruvannamalai. He was found guilty of the offences under Section 366, 376 of I.P.C. and Sec.6 r/s 5(1) and 5(m) 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 5 years and to pay fine of Rs.1000/-, in default to undergo simple imprisonment for one year.



S.No.	Conviction	Sentence
2	Section 376 of IPC and Sec.6 4/w 5 (I) (m) of POCSO Act	to undergo rigorous imprisonment for a period of 10 years and to pay a fine of Rs.1000/-, in default, to undergo simple imprisonment for the period of 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 he has been falsely implicated in this case as if he has committed sexual assault to the victim girl along with other accused, but in fact, he has not committed any sexual assault to the victim girl. He would submit that 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 the date of judgment i.e. on 18.09.2024 for more than one year. 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 victim is aged about 10 years and the petitioner is aged about 20 years at the time of occurrence and he has no bad antecedents. He would submit that victim girl, who was a student of home was taken away to a remote place and made a sexual assault by the petitioner apart from other two accused, which was also proved. He would submit that the other two accused were convicted and they were in juvenile prison. He would submit 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.

6. On seeing the facts, it reveals that he has no bad antecedents, due to his incarceration, he is ready to abide any condition imposed by this court and he is in custody from the date of judgment i.e. on 18.09.2024 for more than one year. 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 Special Court (POCSO Cases)**, Tiruvannamalai

(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 boy 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.

9. Furthermore, on perusal of records, the fact reveals that the complaint was given by P.W.1, staff of home stating that one Chezian, who is running three homes in Tiruvannamalai District under the name and style of Alaigal Home, Puzhpam Home and M.T.M. Home, wherein 350 children are said to be residing there. He is also member of the childline, which is also been the part of his office and payment was also paid to the childline by Chezian, who is N.G.O. The conduct of Chezian is also to be investigated. Therefore, the said Chezian is directed to appear before this court along with relevant records with regard to running home before this court on 28.10.2025.

10. Post the matter on 28.10.2025.

17-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Sessions Judge, Special Court (POCSO Cases), Tiruvannamalai

2. The Inspector of Police

All Women Police Station, Tiruvannamalai.

3. The Superintendent of Prison, Central Prison, Vellore.

4. The Public Prosecutor, High Court, Madras

5. District Legal Services Authority, Tiruvannamalai.



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T.V.THAMILSELVI J.

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AND CRLA NO. 1622
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