



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP NO. 20809 OF 2025 in CRL A No. 1711 of 2025

1. SIVA

S/o.Nagaraj, No.5/38, Ambedkar
Colony, Bagalur, Hosur Taluk,
Krishnagiri District.

Appellant(s)

Vs

1. State Represented by Inspector of
Police,

All Women Police Station, Hosur,
Krishnagiri District. Crime No.22/2019

Respondent(s)

PRAYER: To suspension the sentence imposed against the petitioner in Spl.S.C.No.19 of 2020 passed by the Learned Sessions Judge, Fast Track Mahila Court, Krishnagiri , Krishnagiri District dated 14.05.2025 and enlarge the petitioner on bail pending above the criminal appeal

For Appellant(s): C.H.Srikanth
R.Ashok Kumar
M.Abi

For Respondent(s): Mr.V. Meganathan, Govt
Advocate



ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, to suspend the sentence imposed against the petitioner in Spl.S.C.No.19 of 2020 passed by the Learned Sessions Judge, Fast Track Mahila Court, Krishnagiri , Krishnagiri District dated 14.05.2025 and enalarge the petitioner on bail pending above the criminal appeal

2. The petitioner herein is the accused in Spl.S.C.No.19 of 2020 passed by the Learned Sessions Judge, Fast Track Mahila Court, Krishnagiri, Krishnagiri District . He was convicted and sentenced for the offence U/s 5(1) r/s 6 of POCSO Act, 2012 to undergo 10 years R.I and Rs.5,000/- fine in default to under one year simple imprisonment. Against which, the present appeal has been filed.

3.The learned counsel for the petitioner/accused would 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. The learned Government Advocate would submit that the petitioner has committed sexual assault on the victim girl. However, now the victim girl got married and under the care and custody of her husband. However, considering the nature of offence he prays to dismiss this petition.

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

- (a) the petitioner/accused is ordered to be released on bail, on executing a bond **for a sum of Rs.25,000/- (Rupees Twenty**



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Five Thousand only) with two sureties, in which one surety must be a blood related surety, each for a like sum to the satisfaction of the Learned Sessions Judge, Fast Track Mahila Court, Krishnagiri , Krishnagiri District

(c) 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.

(d) The petitioner shall appear before the Trial Court on every Tuesday at 10.30 a.m., until the disposal of the 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 the date of his absence, as directed by the trial Court.

(e) the defacto complainant is permitted to withdraw the amount, deposited by the petitioner, in Spl.S.C.No.19 of 2020 Sessions Judge, Fast Track Mahila Court, Krishnagiri , Krishnagiri District on proper identification, in the manner known to law.

(f) the petitioner shall not to have any communication with the victim family.



6. With the above directions, this Criminal Miscellaneous Petition is ordered.

7. Considering the fact of the case and the mental agony suffered by the victim family, this Court is inclined to refer the matter under the Victim Compensation Scheme. Accordingly, the District Legal Services Authority, Krishnagiri District is directed to refer the matter to the District Collector under the said Scheme.

8. The District Collector is directed to verify whether the compensation amount of Rs.4,00,000/- awarded by the Court below is paid or not, if not paid the compensation should be paid within a period of two weeks from the date of receipt of a copy of this order.

17-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To.

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To.

1. The Learned Sessions Judge, Fast Track Mahila Court, Krishnagiri , Krishnagiri District.
2. The Inspector of Police, All Women Police Station, Hosur, Krishnagiri District.
3. The Superintendent, Central Prison, Salem
4. The Public Prosecutor, High Court, Madras



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T.V.THAMILSELVI, J.

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17-11-2025

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