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CRL MP No. 19951 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 19951 of 2025

AND

CRL A NO. 897 OF 2024

THANGARAJ

S/O.Pattan,

No.173/Harijana Colony,

Marampalayam, Karabadi Post,

Puliyampatti Sakthi Taluk, Erode

District. (Now Confined As Convict

Prisoner Central Prison, Coimbatore)

Petitioner(s)

Vs

The State Rep By, The Inspector of
Police

Annur Police Station, Coimbatore

District.Cr.No.411 Of 2016

Respondent(s)

CRL MP No. 19951 of 2025

PRAYER

To suspend the sentence imposed against the petitioner on 23.02.2023 in Special C.C.No.61 of 2019, on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO act, Coimbatore and enlarge the petitioner on bail till the disposal of the Criminal Appeal in Crl.A.No.897 of 2024.



CRL A No. 897 of 2024

PRAYER

To call for the records and set aside the conviction and sentence imposed against the appellant on 23.2.2023 in Special C.C.No.61 of 2019, on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore, and acquit the appellant.

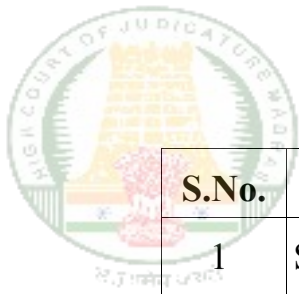
For Petitioner(s): Mr. P.Pugalenth

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, Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore, in Spl.C.C.No.61 of 2019 dated 23.02.2023 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.C.C.No.61 of 2019 on the file of the learned Sessions Judge, Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore. He was found guilty of the offences under Section 5(1), 5(j)(ii) punishable under Sec. 6 of POCSO Act and 363, 313 of I.P.C. and he has been convicted and sentenced as under:



S.No.	Conviction	Sentence
1	Section 6 of I.P.C.	to undergo rigorous imprisonment for a period of 10 years and to pay fine of Rs.10,000/-, in default to undergo simple imprisonment for six months.
2	Section 363 of IPC	to undergo rigorous imprisonment for a period of 5 years and to pay fine of Rs.5,000/-, in default to undergo simple imprisonment for six months.
3	Section 313 of I.P.C.	to undergo rigorous imprisonment for a period of 2 years and to pay fine of Rs.5,000/-, in default to undergo simple imprisonment for three months.

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 had committed sexual assault to the victim girl, but in fact victim girl had a love affair with him, however, a false complaint was given by her parents and he has not committed any offence as alleged against him. He would submit that he is in custody from the date of judgment i.e. on 23.02.2023 for more than two years and eight months. He would submit that he is having valid defence to prove his case and though the prosecution not proved the case beyond reasonable doubt, he was convicted. He would also 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 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 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.

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, he is a married man, having child, due to his incarceration, his family is struggling for their livelihood and he is in custody from the date of judgment i.e. on 23.02.2023 for more than two years and eight months, he has no bad antecedents and he is ready to abide the condition imposed by this court. 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 **shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) for the mental agony caused to her to the credit of Spl.C.C.No.61 of 2019 on the file of learned Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore, within a period of four weeks from the date of receipt of copy of this order. Failing which, the order passed by this Court shall stand automatically cancelled. On such deposit, the victim girl is permitted to withdraw the amount on filing undertaking affidavit and on production of proper identification and acknowledgement.**



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(b) On such deposit of amount being made, 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 Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore.**

(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 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.



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

9. Furthermore, District Legal Services Authority, Coimbatore is directed to verify whether the victim compensation of Rs.5,00,000/- is paid to the victim girl, if not, take steps to refer the matter to District Collector, Coimbatore as per manner known to law to get the victim compensation within a period of four weeks from the date of receipt of copy of this order.

29-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Sessions Judge, Principal Special Court for Exclusive trial of cases under POCSO Act, Coimbatore.

2. The Inspector of Police
Annur Police Station, Coimbatore Dt.

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

4. The Public Prosecutor, High Court, Madras.

5. District Legal Services Authority, Coimbatore.

6. District Collector, Coimbatore.



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T.V.THAMILSELVI J.

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