



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 19776 of 2025

in

CrI.A.No.437 of 2023

1. SANTHOSH

S/o Sebastin, Water Tank Street,
Morakaniyanoor Village, Sethupattu
Taluk, Thiruvannamalai District

Petitioner(s)

Vs

1. Deputy Superintendent Of Police
AWPS Polur, Thiruvannamalai District
(Crime no.11/2018)

2.ANITHA

W/o Tamilselvan, Water Tank Street,
Ambedkar Nagar, Morai Kaniyanur
Village, Thiruvannamalai District

Respondent(s)

PRAYER

To suspend the sentence imposed against the petitioner in Spl.S.C.No.9/2020 on the file of the Learned Special Court under POCSO Cases, Tiruvannamalai, Tiruvannamalai District dated 23.02.2023 and enlarge the petitioner on bail



pending disposal of the said Crl.A.No.437/2023

For Petitioner(s): Mr.E.Kannadasan

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, to suspend the sentence imposed against the petitioner in Spl.S.C.No.9/2020 on the file of the Learned Special Court under POCSO Cases, Tiruvannamalai, Tiruvannamalai District dated 23.02.2023 and enlarge the petitioner on bail pending disposal of the said Crl.A.No.437/2023

2. The petitioner herein is the accused in Spl.S.C.No.9 of 2020 on the file of the learned Special Court under POCSO Cases, Tiruvannamalai, Tiruvannamalai District. He was found guilty of the offence under Sections 3(1) (w-i) of SC/ST Act and Section 376(AB) of IPC and Section 6 r/w 5(m) of POCSO Act 2012 and Section 3(2)(va) of SC/ST act and convicted him. 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 (Crl.Side) submitted that the victim is aged about 5 years, as on date she is under the care of their parents. Hence, he vehemently raised objection to suspend the sentence.

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 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 Special Court (Under POCSO Cases), Thiruvannamalai.

(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 stay away from his native place and report before the respondent police twice in a month at 10.30 a.m., and also the 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.

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



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

25-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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1. Deputy Superintendent Of Police
Awps Polur, Thiruvannamalai District
(Crime no.11/2018)
2. The Special Court under POCSO
Cases, Tiruvannamalai,
3. The Superintendent of Prison,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI J.
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