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CRL MP No. 20256 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 13-11-2025**

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**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CRL MP No. 20256 of 2025**

**IN**

**CRL A NO. 1391 OF 2023**

1. MUBARAK

S/O. Babu, Mettupuliyur Village,  
Pochampalli Taluk, Krishnagiri District.

Petitioner(s)

Vs

1. State by, Inspector of Police,  
Morappur Police Station, Dharmapuri  
District. Cr.No.93 of 2022.

Respondent(s)

**CRL A No. 1391 of 2023**

1. MUBARAK

S/O. Babu, Mettupuliyur Village,  
Pochampalli Taluk, Krishnagiri District.

Appellant(s)

Vs

1. Inspector Of Police  
Morappur Police station, Dharmapuri  
District.Cr.NO.93/2022.



Respondent(s)

**CRL MP No. 20256 of 2025**

**WEB PRAYER**

To suspend the sentence of imprisonment imposed in the judgment dated 05.08.2023 made in Spl.S.c.No.44 of 2022 and enlarge the petitioner on bail pending disposal of the above criminal appeal before this Honorable Court.

For Respondent(s): Public Prosecutor

**ORDER**

This petition has been filed to suspend the sentence of imprisonment imposed in the judgment dated 05.08.2023 made in Spl.S.c.No.44 of 2022 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

2. The petitioner herein was convicted by the Trial Court and sentenced him to undergo 5 years Rigorous Imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo 3 months Simple Imprisonment for the offence punishable under Section 363, and 7 years Rigorous Imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo 6 months Simple Imprisonment for the offence under Section 366 IPC and Section 5(1) r/w 6(1) of POCSO Act and sentenced him to undergo 20 years Rigorous Imprisonment and to pay a fine of Rs.25,000/-, in default, to undergo one year Simple Imprisonment. Aggrieved



over the same, the petitioner filed the appeal along with present miscellaneous petition.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as if he committed penetrative sexual assault against the petitioner. Hence, the petitioner/accused would 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 petitioners/accused may be suspended.

4. The learned Government Advocate (Crl. Side) submits that the petitioner was aged about 27 years and victim was 14 years at the time of the occurrence, the petitioner eloped with the victim girl and committed penetrative sexual assault. Thereafter, the respondent police found out the petitioner. Further, he would contend 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.



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5. According to the prosecution the respondent police secured the victim girl and Rs.5,00,000/- compensation was paid to her. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioners, also by considering the submissions of the learned counsel for the petitioners 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( one must be blood surety) each for a like sum to the satisfaction of the Sessions Judge, Fast Track Mahila Court, Dharmapri. Further, the petitioner shall not have any communication with the victim girl.



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(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. The petitioner has caused mental agony to the victim family, hence, the petitioner shall deposit a sum of Rs.50,000/- before the Trial Court within a period of three weeks from the date of his release and victim is permitted to withdraw the same.

(c) The petitioner shall appear before the Trial Court on the first and last working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Appeal and if there are not able to appear before the trial Court on any day, they 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.

**13-11-2025**

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**T.V.THAMILSELVI J.**

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To

1. The Sessions Judge, Fast Track Mahila Court, Dharmapri.
2. The Central Prison, Vellore.
3. The Inspector of Police,  
Morappur Police Station.  
Dharmapuri District.
4. The Public Prosecutor,  
High Court, Madras.

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