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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.No.21179 of 2025
in Crl.A.No.1303 of 2025**

Nishanth

...Petitioner

Versus

State Rep. by
Inspector of Police,
AWPS, Devala,
Nilgiris District.
(Crime No.2/2019)

...Respondent

Prayer:

This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023 praying to suspend the sentence imposed on the petitioner/accused by Judgment dated 30.04.2025 made in Spl.C.C.No.4 of 2020 of the learned Magalir Neethimandram (Fast Track Mahila Court, Udhagamandalam), Sessions Judge of the Nilgiris at Udhagamandalam and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.



For Petitioner : Mr.E.V.Chandru @ E.Chandrasekaran

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner seeking to suspend the sentence imposed on him by the learned Sessions Judge, Fast Track Mahila Court, Udhagamandalam vide Judgment dated 30.04.2025 in Spl.C.C.No.4 of 2020 and enlarge him on bail pending disposal of the Criminal Appeal.

2. The petitioner is an accused in Spl.C.C.No.4 of 2020 on the file of Fast Track Mahila Court, Udhagamandalam. The petitioner was found guilty of the offence under Sections 5(1) & 5(m) of the POCSO Act, 2012. Therefore, the learned Sessions Judge, Fast Track Mahila Court, Udhagamandalam vide Judgment dated 30.04.2025 in Spl.C.C.No.4 of 2020, convicted the petitioner/accused and sentenced him to undergo rigorous imprisonment for a period of 20 years and to pay a fine of Rs.5,000/-, in default, to undergo 3 months simple imprisonment. Aggrieved by the said



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conviction and sentence, petitioner/accused has filed the present Criminal Appeal before this Court.

3. The learned counsel for the petitioner/accused submitted that a false case has been implicated against the petitioner/accused that as if petitioner/accused had sexually assaulted the victim girl.

3.1. It is further submitted by the learned counsel for petitioner/accused that petitioner/accused was arrested and remanded to judicial custody on 30.04.2025. The petitioner/accused has undergone incarceration for more than 6 months.

3.2. The learned counsel for petitioner/accused also submitted that petitioner/accused has a fair chance of succeeding in the Criminal Appeal and he is ready to abide any condition to be imposed by this Court. Therefore, the learned counsel prayed that the substantive sentence imposed on the petitioner/accused may be suspended.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that before the Court below, it was proved that petitioner/accused has committed an offence under Sections 5(1) & 5(m) of the POCSO Act, 2012. He further submitted that the victim girl is studying in a college and now, she is under the care and custody of her parents. Therefore, the learned Government Advocate (Crl.Side) submitted that he has serious objection for granting bail to petitioner/accused.

5. Heard the learned counsel on both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsel for petitioner/accused coupled with the quantum of punishment imposed on the petitioner/accused and taking into consideration of the fact that the Criminal Appeal is likely to be taken up for final hearing in the near future, this Court is inclined to suspend the substantive sentence of imprisonment alone.



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

(i) The sentence of imprisonment imposed on the petitioner/accused shall be suspended and the petitioner/accused shall be released on bail on condition that he shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (out of which, one surety should be blood surety), each for a likesum to the satisfaction of the trial Court;

(ii) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the trial Court may obtain a copy of their Aadhaar Card or Bank Pass Book and their mobile numbers to ensure their identity;

(iii) The petitioner/accused shall appear before the respondent Police on every Saturday at 10.30 a.m. and also, he shall appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., for a period of 5 months 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 his absence, as directed by the trial Court.



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

12.11.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

Note: Registry is directed to list Crl.A.No.1303 of 2025 for hearing on 12.12.2025.

To

- 1.The Sessions Judge,
Fast Track Mahila Court,
Udhagamandalam.
- 2.The Inspector of Police,
AWPS, Devala,
Nilgiris District.
- 3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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