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CRL MP No. 22719 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP NO. 22719 OF 2025

AND

CRL A No. 1827 of 2025

Vishnu @ Vijay

S/o. Prabhu,

7/3, Perumal Kovil 2nd Street, Virugambakkam,

Chennai, Now at Maruthagasi Street, Santhosh

Nagar, Extension 2nd Street, Manthanapuram

Road, Muthalivakkam, Chennai.

..Appellant(s)

Vs

The State of Tamil Nadu

Rep. by Inspector of Police,

All Women Police Station, Kangeyam, Tiruppur

District. Crime No. 9/2022.

..Respondent(s)

To set aside the conviction and sentence imposed on the Appellant in Spl.S.C.No. 28/2023 dt. 27.06.2025 on the file of the Court of Sessions, Mahalir Neethimandram (Fast Track Mahila Court) Tiruppur convicting and sentencing the appellant U/s. 5(1) r/w 6 of POCSO Act and pass such further or other orders as this Honble court.



For Appellant(s):

Mr. P.Vasanth

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, Mahalir Neethimandram (Fast Track Mahila Court), Tiruppur in Spl.S.C.No.28 of 2023 dated 27.06.2025 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.28 of 2023 on the file of the learned Sessions Judge, Mahalir Needhimandram (Fast Track Mahila Court), Tiruppur. He was found guilty of the offences under Section 5(1) r/w 6 of POCSO Act and he has been convicted and sentenced to undergo Rigorous Imprisonment for 20 years and to pay a fine of Rs.10,000/- in default



of payment of fine, to undergo simple imprisonment for six 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 the DNA Test was not tallied with the petitioner, inspite of that, he has been convicted and as on date, she got married with another man. He would submit that he has not committed any offence as alleged against him and he is in custody from the date of judgment i.e. on 27.06.2025 for more than five months. He would also submit that fine amount was paid and 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 and he is a married man and having family, due to his incarceration, his family is struggling for their livelihood and he is in custody from the date of judgment i.e. on 27.06.2025 for more than five months and he has no bad antecedents. Furthermore, the DNA Test was not



tallied with the petitioner and as on date, she got married with another man and the fine amount was also paid. 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/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 Mahalir Needhimandram (Fast Track Mahila Court), Tiruppur.**

(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.

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(c) The petitioner shall 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 his 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.

27-11-2025

RPP

To

1. Sessions Judge, Mahalir Needhimandram (Fast Track Mahila Court),
Tiruppur

2. The Inspector of Police, All Women Police Station, Kangeyam, Tiruppur Dt.



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

4. The Public Prosecutor, High Court, Madras.

T.V.THAMILSELVI J.

RPP

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