



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-11-2025

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP NO. 20951 OF 2025 in CRL A No. 1721 of 2025

1. DEVARAJ

S/o.Nalliappan, Mudakkusalai,
N.Pudukottai, Reddiyapatty Post,
Natham Taluk, Dindigul District. Now
residing at Natesan Nagar, Karur Road,
Vellakoil, Kangeyam Taluk, Tiruppur
District.

Appellant(s)

Vs

1. The State Rep by, The Inspector of
Police,
Kangeyam All Women Police Station,
Tiruppur District. Cr.No.5/2023.

Respondent(s)

PRAYER: To Suspend the sentence imposed in Spl.S.C.No. 70/2023 by judgment dt. 17.10.2024 passed by the Learned Mahalir Neethimandram (Fast Track Mahila Court) Tiruppur and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Appellant(s): C.S. Saravanan
T.Sudhanraj
Amala Ananthi
M.Vignesh

For Respondent(s): Mr.V. Meganathan, Govt
Advocate

**ORDER**

WEB COPY

This Criminal Miscellaneous Petition has been filed by the petitioner, to Suspend the sentence imposed in Spl.S.C.No. 70/2023 by judgment dt. 17.10.2024 passed by the Learned Mahalir Neethimandram (Fast Track Mahila Court) Tiruppur and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2. The petitioner herein is the accused in Spl.S.C.No. 70/2023 on the file of the learned Learned Mahalir Neethimandram (Fast Track Mahila Court) Tiruppur. He was found guilty of the offence under Sections 342, 376 AB and u/s 5 (m) r/w 6 of POCSO Act and he was convicted and sentenced to undergo 6 months R.I for the offence u/s 342 of IPC and to undergo 20 years R.I and to pay a fine of Rs.1,000/- in default to undergo 1 year S.I for the offence u/s 5(m) r/w 6 of POCSO Act and no separate sentence was rendered for the offence U/s 376 AB of IPC for the reason already convicted for 20 years for the offence u/s 5(m) r/w 6 of POCSO Act and sentences will run concurrently, against which, the present Criminal appeal has been filed.



WEB COPY

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. 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 is directed to deposit a sum of Rs.50,000/- (Rupees fifty thousand only), to the credit of SC.No.35 of 2025, on



WEB COPY

the file of the Spl.S.C.No. 70/2023 on the file of the Learned Mahalir Neethimandram (Fast Track Mahila Court) Tiruppur without prejudice his defence, within a period of three weeks from the date of receipt of a copy of this order.

(b) 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 of the learned Mahalir Neethimandram (Fast Track Mahila Court) Tiruppur

(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 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.

(e) the defacto complainant is permitted to withdraw the amount, deposited by the petitioner, in Spl.S.C.No. 70/2023 on the



file of the Learned Mahalir Neethimandram (Fast Track Mahila Court) Tiruppur , on proper identification, in the manner known to law.

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

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

07-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To.

1. The Inspector of Police,

Kangayam All Women Police Station,

Tiruppur District.

2. The Learned Mahalir Neethimandram (Fast Track Mahila Court) Tiruppur

3. The Public Prosecutor, High Court, Madras



WEB COPY

CRLA No. 1721 of 2025





WEB COPY

CRL A No. 1721 of 2025



T.V.THAMILSELVI, J.

smn

**CRL MP NO. 20951 OF
2025 in CRL A No. 1721
of 2025**

07-11-2025