



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 20110 of 2025

AND

CRL A NO. 571 OF 2025

Rajkumar

S/o. Gurumoothy,

No.44, Athipadugai Road, Thirunallar,

Karaikal District, Puducherry.

Petitioner(s)

Vs

State rep by, Inspector of Police

Thirunallur Police Station, Karaikal,

Puducherry. Crime no 20 of 2023

Respondent(s)

CRL MP No. 20110 of 2025

PRAYER

To suspend the sentence imposed on the petitioner/appellant by the learned Sessions Judge (under the POCSO Act,2012) Karaikal in Spl.S.C.No. 11/2023 dt. 30.09.2024 pending disposal of the above Criminal appeal and enlarge the petitioner on bail.

**CRL A No. 571 of 2025****PRAYER**

To set aside the judgment made in SPL.SC.NO. 11 of 2023 passed by the learned Sessions Judge (under the POCSO Act, 2012) Karaikal dated 30.09.2024.

For Petitioner(s): Ms.H.Kavitha

For Respondent(s): Mr.M.V.Ramachandramoorthy
Public Prosecutor (Pondicherry)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge (under the POCSO Act, 2012), Karaikal, in Spl.S.C.No.11 of 2023 dated 30.09.2024 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.11 of 2023 on the file of the learned Sessions Judge (under POCSO Act, 2012), Karaikal. He was found guilty of the offences under Section 6 of POCSO Act and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 366 A of I.P.C.	to undergo rigorous imprisonment for a period of five years and to pay fine of Rs.2,000/-, in default to undergo simple imprisonment for two months.
2	Section 9 of	to undergo rigorous imprisonment for a period



S.No.	Conviction	Sentence
	Prohibition of Child Marriage Act	of one year and to pay fine of Rs.5,000/-, in default to undergo simple imprisonment for three months.
3	Sec.6 of POCSO Act	to undergo rigorous imprisonment for a period of 20 years and to pay fine of Rs.5,000/-, in default to undergo simple imprisonment for three months.
4	Sec.323 of I.P.C.	to undergo simple imprisonment for the period of six months.
5	Sec.506(i) of I.P.C.	to undergo simple imprisonment for a period of two years.

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 he had a love affair with the victim girl and both were eloped, however the parents of victim girl gave a false complaint and he has not committed any offence as alleged against him. He would submit that he is in custody from 09.08.2023 for more than two years and two months. He would also 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 petitioner/accused may be suspended. He would submit that the petitioner is



ready to abide the condition imposed by this Court.

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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 victim girl was forcibly taken by the petitioner and attempted to marry her, thereafter, she was secured. 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, both of them had a love affair and eloped, thereafter she was secured and now she got married with her relative but no compensation was awarded, due to his incarceration, his family is struggling for their livelihood and he is in custody from 09.08.2023 for more than two years and two months and he has no bad antecedents. 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 **shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) for the mental agony caused to her to the credit of Spl.S.C.No.11 of 2023 on the file of learned Sessions Judge (under POCSO Act, 2012), Karaikal, within a period of four weeks from the date of release on bail. On such deposit, the victim girl is permitted to withdraw the amount on filing undertaking affidavit and on production of proper identification and acknowledgement.**

(b) 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 Sessions Judge (under POCSO Act, 2012) Karaikal.**

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(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 respondent police on very Saturday at 10.30 a.m. for the period of three months and he shall also 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 her 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. If any deviation in complying any of the conditions, the order passed by this Court shall stand automatically cancelled.**

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

29-10-2025



Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Sessions Judge (under POCSO Act, 2012), Karaikal.

2. Inspector of Police

Thirunallur Police Station, Karaikal, Puducherry.

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

4. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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