



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP NO. 20946 OF 2025 in CrI.A.No. 1717 of 2025

1. S.Premkumar

S/o.Sivakumar, No. 175, Alamarathu

Theru, Nethaji Road, Erode, Erode

District.

Appellant(s)

Vs

1. The State Represented by

The Inspector of Police, All Women

Police Station-Erode, Erode District.

Crime No. 39/2021.

Respondent(s)

PRAYER : To suspend the sentence imposed in Judgment and conviction passed in Spl.S.C.No. 70/2022 dt. 04.09.2025 on the file of the Learned Session Judge, Magalir Neethimandram, Fast Track Mahila Court, Erode and release the petitioner on bail pending CrI.A.

CRL A No. 1717 of 2025

For Appellant(s): B.Mohan
B.M.Subash
S.Bharanidharan
P.Vetrivel

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

**ORDER**

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This Criminal Miscellaneous Petition has been filed by the petitioner, to Suspend the sentence imposed in Spl.S.C.No. 70/2022 dt. 04.09.2025 on the file of the Learned Session Judge, Magalir Neethimandram, Fast Track Mahila Court, Erode 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. 70/2022 on the file of the Learned Session Judge, Magalir Neethimandram, Fast Track Mahila Court, Erode. He was found guilty of the offence under Sections 3 r/w 4(2) of POCSO and convicted and sentenced to undergo rigorous imprisonment for 20 years and fine of Rs.5,000/- each in default to undergo simple imprisonment for three months. Further he was found guilty of the offence under Sections 11(iv) r/w 12 of POCSO and the accused is convicted and sentenced to undergo Rigorous imprisonment for on year and fine of Rs.5,000/- each in default to undergo simple imprisonment for three months. Against which, the present Criminal appeal has been filed.



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 also submits that a false case has been foisted against the petitioner. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. The learned Government Advocate submits that now the victim girl is secured and he is care and custody of her parents.

5. 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:



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(a) the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty thousand only), to the credit of Spl.S.C.No. 70/2022 on the file of the Learned Session Judge, Magalir Neethimandram, Fast Track Mahila Court, Erode 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 Learned Session Judge, Magalir Neethimandram, Fast Track Mahila Court, Erode.

(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 Saturday 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. 70/2022 on the file of the Learned Session Judge, Magalir Neethimandram, Fast Track Mahila Court, Erode, 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. Learned Session Judge, Magalir Neethimandram, Fast Track Mahila Court, Erode a
2. The Inspector of Police, AWPSm Erode, Erode District.
3. The Superintendent Central Prison, Coimbatore
4. The Public Prosecutor, High Court, Madras



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T.V.THAMILSELVI, J.

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2025 in Crl.A.No. 1717
of 2025**

**07-11-2025
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