



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 20675 of 2025 AND CRL A NO. 285 OF 2025

1. JENY

S/o.Pakkiri Samy, Mariyamman Kovil
Street, Dharma Nallur, Vridhachalam
Tk, Cuddalore Distirct-606 103.

Petitioner(s)

Vs

1. The State Rep By Its, The Inspector
Of Police,
All Women Police Station,
Vridhachalam, Cuddalore District-606
001. Cr.No.11/2022.

Respondent(s)

PRAYER: To suspend the sentence passed by the Learned Special Sessions Judge, POCSO Court, Cuddalore in Spl.S.C.No.108/2022 dated 23.10.2024 and release him on bail till the disposal of the pending appeal.

For Petitioner(s): M/s.R.Gokulnath
G.Hariharan

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, to
suspend the sentence passed by the Learned Special Sessions Judge, POCSO



Court, Cuddalore in Spl.S.C.No.108/2022 dated 23.10.2024 and release him on bail till the disposal of the pending appeal.

2. The petitioner herein is the accused in Spl.S.C.No.108/2022 on the file of the learned Special Sessions Judge, POCSO Court, Cuddalore. He was found guilty of the offence under Section 450 of IPC and to undergo 5 years of Vigorous imprisonment and a penalty of Rs.10,000/- in default of the same to undergo another 3 months of simple imprisonment and also convicted under Sections 3 and 4 of Protection of Children from Sexual Offences act to undergo 20 years, Vigorous imprisonment and penalty of Rs.1,00,000/- (One Lakh rupees) in default of the same to undergo 3 years of simple imprisonment. Against which, the present 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 would submit that the petitioner is ready to abide the condition imposed by this Court.



4. The learned Government Advocate would submit that the victim girl is secured and she is under the care and custody of the parents. He further submits that the Court below in the impugned order had made an observation that the petitioner herein is a transgender. However, considering the nature of offence he prays to dismiss this petition.

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:

(a) 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 Learned Special Sessions Judge, POCSO Court, Cuddalore in Spl.S.C.No.108/2022



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(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.

(c) 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.

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

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

7. Considering the fact of the case and the mental agony suffered by the victim family, this Court is inclined to refer the matter under the Victim Compensation Scheme. Accordingly, the District Legal Services Authority, Cuddalore District is directed to refer the matter to the District Collector under the said Scheme.



8. The District Collector is directed to verify whether the compensation was paid to the victim girl which was awarded by the Court below, if not paid the compensation should be paid within a period of four weeks from the date of receipt of a copy of this order.

06-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The Inspector Of Police,
All Women Police Station,
Vridhachalam, Cuddalore District-606
001.
2. The Learned Special Sessions Judge,
POCSO Court, Cuddalore
3. The Superintendent, Central Prison, Cuddalore
4. The Public Prosecutor, High Court, Madras



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T.V.THAMILSELVI, J.

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