



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.No.21083 of 2025
in Crl.A.No.1520 of 2023**

Ganesh

...Petitioner

Versus

State
Inspector of Police,
All Women Police Station,
Erode,
Erode District.
Crime No.18 of 2021

...Respondent

Prayer: This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023 praying to suspend the sentence and conviction judgment dated 26.07.2022 in Special S.C.No.67 of 2022 (on the file of Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Erode and enlarge the petitioner on bail pending disposal of the aforesaid appeal.

For Petitioner : Mr.S.Silambuselvan

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



ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner seeking to suspend the sentence imposed on him by the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Erode vide Judgment dated 26.07.2022 in S.C.No.67 of 2022 and enlarge him on bail pending disposal of the Criminal Appeal.

2. The petitioner is an accused in S.C.No.67 of 2022 on the file of Magalir Neethimandram (Fast Track Mahila Court), Erode. The petitioner/accused was found guilty of the offence under Section 324 (2 counts) of IPC and Sections 5(m) & 5(n) punishable under Section 6 (2 counts) of POCSO Act, 2012. Therefore, the trial Court vide Judgment dated 26.07.2022 in S.C.No.67 of 2022, convicted the petitioner/accused and sentenced him as follows:

S.No.	Offence	Punishment
1	Under Section 324 (2 counts) of IPC	To undergo rigorous imprisonment for 3 years for each counts
2	Under Sections 5(m) & 5(n) punishable under Section 6 (2 counts) of POCSO Act, 2012	To undergo rigorous imprisonment for 20 years for each counts and to pay a fine of Rs.5,000/- for each counts, in default, to undergo 3 months simple imprisonment.



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Aggrieved by the said conviction and sentence, petitioner/accused has preferred the present Criminal Appeal.

3. The learned counsel for petitioner/accused submitted that petitioner/accused has been under the judicial custody for more than 3 years and he is ready to abide any condition to be imposed by this Court. Therefore, the learned counsel prayed that the substantive sentence imposed on the petitioner/accused may be suspended.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that before the trial Court, the prosecution has proved that the two minor victim children have been suffered penetrative sexual assault and physical assault in the hands of petitioner/accused and also, the minor victim children have sustained simple injuries with dangerous weapons. Therefore, the learned Government Advocate (Crl.Side) submitted that he has serious objection for granting bail to petitioner/accused.



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5. Heard the learned counsel on both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsel for petitioner/accused coupled with the quantum of punishment imposed on the petitioner/accused and taking into consideration of the fact that the Criminal Appeal is likely to be taken up for final hearing in the near future, this Court is inclined to suspend the substantive sentence of imprisonment alone.

7. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(i) The sentence of imprisonment imposed on the petitioner/accused shall be suspended and the petitioner/accused shall be released on bail on condition that he shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a likesum to the satisfaction of the trial Court;

(ii) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety



bonds and the trial Court may obtain a copy of their Aadhaar Card or Bank Pass Book and their mobile numbers to ensure their identity;

(iii) The petitioner/accused shall appear before the Inspector of Police, Town Police Station, Thiruvannamalai on alternate days at 10.30 a.m. and also, he shall appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., for a period of 6 months 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 his absence, as directed by the trial Court.

(iv) The petitioner/accused shall not have any communication with the minor victim children.

8. As regards the compensation awarded to the two victim children is concerned, this Court directs the District Legal Services Authority, Erode to verify whether the compensation awarded to the two victim children by the trial Court in Spl.S.C.No.67 of 2022 has been disbursed to them or not, if not, refer the matter to District Collector, Erode for taking appropriate action to disburse the compensation to the victim children, within a period of twelve weeks from the date of receipt of a copy of this order.



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9. On disbursement of compensation, P.W.8 (grand-mother of the victim children) shall deposit the compensation amount in a Fixed Deposit Account in any one of the Post Office in the name of victim children and the same shall be kept in the said Fixed Deposit Account, till the victim children attain majority and the interest accrued thereon shall be utilized by P.W.8 (grand mother of the victim children) for the welfare of victim children.

10. With the above directions, this Criminal Miscellaneous Petition is allowed.

12.11.2025

mrr

Index: Yes/No

Speaking Order (or) Non-Speaking Order

Note: Registry is directed to list CrI.A.No.1520 of 2023 for hearing on 2nd week of January, 2026.



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To

- 1.The Sessions Judge,
Magalir Neethimandram (Fast Track Mahila Court),
Erode.
- 2.The Inspector of Police,
All Women Police Station,
Erode,
Erode District.
- 3.The Inspector of Police,
Town Police Station,
Thiruvannamalai.
- 4.The District Legal Services Authority,
Erode.
- 5.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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