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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.M.P.No.20819 of 2025

in Crl.A.No.1714 of 2025

Azhagarasan

...Petitioner

Versus

State represented by
The Inspector of Police,
W-29, All Women Police Station – Avadi,
Avadi,
Chennai – 54.
(Crime No.5/2019)

...Respondent

Prayer:

This Criminal Miscellaneous Petition is filed under Section 389 of Cr.P.C equivalent to Section 430 of BNSS, 2023 praying to suspend the sentence imposed by the learned Special Judge to deal with offences under the POCSO Act, Tiruvallur in Spl.S.C.No.68 of 2019 dated 27.10.2025 and



enlarge the petitioner on bail pending disposal of the Criminal Appeal

Petition in Crl.A.No.1714 of 2025.

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner seeking to suspend the sentence of imprisonment imposed on him by the learned Special Judge to deal with offences under the POCSO Act, Tiruvallur vide Judgment dated 27.10.2025 in Spl.S.C.No.68 of 2019 and enlarge him on bail pending disposal of the present Criminal Appeal.

2. The petitioner is an accused in Spl.S.C.No.68 of 2019 on the file of the Special Court for POCSO, Tiruvallur. The petitioner/accused was found guilty for commission of offence under Sections 342 & 452 of IPC and Section 7 r/w. 8 of POCSO Act, 2012. Therefore, the Trial Court vide Judgment dated 27.10.2025 in Spl.S.C.No.68 of 2019, convicted the



petitioner/accused and sentenced him as follows:

S.No.	Offence	Punishment
1	Under 342 of IPC	To undergo 1 year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months simple imprisonment.
2	Under Section 452 of IPC	To undergo 7 years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo 2 years simple imprisonment.
3	Under Section 7 punishable under Section 8 of POCSO Act, 2012	To undergo 5 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo 1 year simple imprisonment.

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

3. The learned counsel for petitioner/accused submitted that petitioner/accused is under the judicial custody 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.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that at the time of occurrence, the victim girl was aged about 13 years and the petitioner/accused was aged about 31 years. Before the Trial Court, the prosecution has proved that petitioner/accused had sexually harassed the victim girl and thereby, committed the offence under Sections 342 & 452 of IPC and Section 7 r/w. 8 of POCSO Act, 2012. Therefore, the learned Government Advocate (Crl.Side) submitted that he has serious objection for granting bail to petitioner/accused.

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 petitioner/accused shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Spl.S.C.No.68 of 2019 on the file of the Special Court for POCSO, Tiruvallur, within a period of two weeks from the date of his release on bail, failing which, this order shall stand automatically cancelled;

(ii) On such deposit being made, mother of the victim girl shall withdraw the amount of Rs.30,000/- deposited by the petitioner/accused in Spl.S.C.No.68 of 2019 on the file of the Special Court for POCSO, Tiruvallur and utilize the said amount for the welfare of victim girl;



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(iii) If the petitioner/accused fails to deposit the aforesaid amount, it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence;

(iv) 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.10,000/- (Rupees Ten Thousand only) with two sureties (out of which, one surety should be blood surety), each for a likesum to the satisfaction of the learned Special Judge to deal with offences under the POCSO Act, Tiruvallur;

(v) 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;

(vi) The petitioner/accused shall appear before the respondent Police on every Sunday 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., till the disposal of



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 his absence, as directed by the trial Court; and

(vii) The petitioner/accused shall not have any communication with the victim girl and her family.

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

24.11.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

Note: Registry is directed to list CrI.A.No.1714 of 2025 for hearing on 04.03.2026.



To

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- 1.The Special Judge,
Special Court for POCSO,
Tiruvallur.
- 2.The Inspector of Police,
W-29, All Women Police Station – Avadi,
Avadi,
Chennai – 54.
- 3.The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI, J.

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