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CRL MP No. 22631 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP NO. 22631 OF 2025

AND

CRL A No. 1818 of 2025

Kannan

S/o.Mariyappan,

16/14, Thalakkarai, Nallimadam,

Sankarandampalayam, Dharapuram.

..Appellant(s)

Vs

The State Rep by, The Inspector of

Police,Negamam Police Station,

Coimbatore District. Cr.No.340/2016.

..Respondent(s)

To suspend the sentence passed against this petitioner/1st Accused in judgement dated 05.07.2024 in Spl.CC.No.44 of 2019 on the file of the Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore and release the petitioner/1st accused on bail till the disposal of the appeal

For Appellant(s):

Mr.K.Balaganesh

For Respondent(s):

Mr.V.Meganathan,

Govt. Advocate (Crl. Side)

Order

This Criminal Miscellaneous Petition has been filed by the petitioner,



seeking suspension of sentence imposed by the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Chennai, in Spl.S.C.No.44 of 2019 dated 05.07.2024 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.44 of 2019 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore. He was found guilty of the offences under Section 6 of POCSO Act and Sec.366 of I.P.C. He has been convicted and sentenced to undergo Rigorous Imprisonment for 10 years and to pay a fine of Rs.5000/- in default of payment of fine, to undergo simple imprisonment for six months and sentenced to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.5000/-, in default to undergo simple imprisonment for a period of six months. 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 has not committed any offence as alleged against him. He would submit that he is in custody from the date of judgment i.e. on 05.07.2024 for more than one year and four 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.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition and contended that totally, four accused involved in this case, wherein the petitioner is arrayed as A1. He would submit that both the victim girl and the petitioner were living in the same locality. He would submit that when the victim girl came out from her home for purchase of milk, he forcibly taken her to a remote place and sexually assaulted her. 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 and he is having family, due to his incarceration, his family is struggling for their livelihood and he is in custody



from the date of judgment i.e. on 05.07.2024 for more than one year and four months and he has no bad antecedents and now she got married with another man. 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/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 Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore.**

(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 respondent on every Sunday at 10.30 a.m. for a 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.

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

9. Furthermore, on perusal of order, it is ascertained that the trial court has awarded a sum of Rs. 5,00,000/- as victim compensation. The District Legal Services Authority, Coimbatore is directed to verify whether the victim compensation was received by the victim girl, if not, take steps to get the compensation by referring the matter to District Collector, Coimbatore and to get the same within a period of twelve weeks from the date of receipt of copy of this order as per manner known to law.

27-11-2025



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To

1. Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore.
2. The Inspector of Police,
Negamam Police Station, Coimbatore District.
3. The Superintendent of Prison, Central Prison, Coimbatore.
4. The Public Prosecutor, High Court, Madras.
5. District Legal Services Authority, Coimbatore.
6. District Collector, Coimbatore.



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T.V.THAMILSELVI J.

RPP

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