



WEB COPY

CRL MP No. 23387 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-12-2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 23387 of 2025

AND

CRL A NO. 1879 OF 2025

DHANABAL
S/o. Sellavel,
Moonachavadi,
Umareddiyur Post,
Athiyur Taluk,
Erode District.

..Petitioner(s)

Vs

1. The State Of Tamil Nadu
Represented by Deputy Superintendent of Police,
Bhavani Sub Division,
Erode District.
2. Represented by the Inspector of Police
All Women Police Station, Bhavani,
Erode District.
Crime No.20 of 2020
3. Susila
W/o. Chenniyappan,
Moonachavadi,
Umareddiyur Post,
Anthiyur Taluk,
Erode District.



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..Respondent(s)

CRL MP No. 23387 of 2025

To suspend the sentence imposed against the petitioner by the learned Special Court under Scheduled Caste and Secheduled Tribes (Prevention of Atrocities) Act,1989 Principal Sessions Court, Erode in Spl.S.C.no. 1 of 2021 dated 28.03.2025 and enlarge the petitioner on bail pending disposal of the above said Criminal appeal or pass such any or other orders.

CRL A No. 1879 of 2025

To call for the records relating to the judgement dated 28.03.2025 passed in Spl.S.C.No.01 of 2021 by the Learned the Special Court under SC and ST (POA) Act,1989 (Principal Sessions Court, Erode and set aside the fine imposed against the Appellant. Sole Accused and allow the Criminal appeal by acquitting the accused.

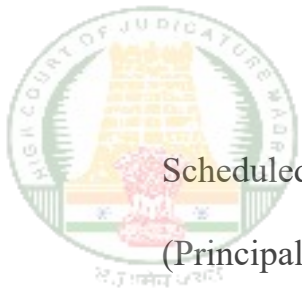
For Petitioner(s): Mr. K.A.Prabaharan

For Respondent(s): Mr.S.Balaji

Govt. Advocate For R1 & R2

Order

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking to suspend the sentence imposed on the petitioner/accused in Spl.S.C.No.01 of 2021 dated 28.03.2025 on the file of the Special Court under the



Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, (Principal Sessions Court), Erode and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.

2. The petitioner/Accused in Spl.S.C.No.01 of 2021 was convicted by the Trial Court and sentenced under Sec.376 I.P.C. r/w Sec.511 of I.P.C. to undergo 5 years rigorous imprisonment with a fine of Rs.1,000/-, in default to undergo further 6 months; under Sec.354 I.P.C. to undergo 3 years and pay a fine of Rs.1000/-, in default to undergo 3 months; and under Sec.323 I.P.C. to undergo simple imprisonment for 6 months with a fine of Rs.500/-, in default to undergo a further 1 month simple imprisonment. Aggrieved by the same, the petitioner/accused filed Crl.A.No.1879 of 2025 along with the instant miscellaneous petition seeking suspension of sentence and bail.

3. The learned counsel for petitioner would submit that the petitioner is in custody from 10.03.2025; that even according to victim P.W.2, the petitioner had not committed any rape; that the allegation would not attract the offence of attempt to commit rape; that there are arguable points available in the above Criminal Appeal; and , prayed for granting suspension of sentence to the petitioner.



4. The learned Government Advocate (Crl. Side), per contra, would submit that his evidence would show that he has attempted to commit rape on the victim girl, who is deaf and dumb and the impugned judgment does not fall for any interference.

5. Heard the learned counsel for petitioner and learned Govt. Advocate (crl.side) and perused the records.

6. Considering the submissions made by learned counsel for petitioner, the fact that the petitioner had raised substantial grounds in the above appeal which requires consideration and since the petitioner is in custody from 10.03.2025, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

7. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended and the petitioner is ordered to be released on bail on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties, for a like sum to the satisfaction of the learned **Special Court under SC/ST Cases (POA) Act, Principal Sessions Court, Erode ;**



(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the 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 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.

11-12-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RPP

Note : Issue order copy by .12.2025

Upload the order copy forthwith

To

1. Special Court under SC/ST Cases (POA) Act, Principal Sessions Court, Erode.
2. Deputy Superintendent of Police, Bhavani Sub Division, Erode District.
3. Inspector of Police, All Women Police Station, Bhavani, Erode District.
4. The Superintendent of Prison, Central Jail, Coimbatore.
5. The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN J.

RPP

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