



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.M.P.No.22772 of 2025

in Crl.A.No.1833 of 2025

Manikandan

...Petitioner

Versus

The State Represented by its
The Inspector of Police,
Avinashi All Women Police Station,
Tiruppur District.
(Crime No.15 of 2022)

...Respondent

Prayer:

This Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C praying to suspend the sentence which was imposed on the petitioner in Spl.S.C.No.16 of 2023 dated 22.08.2024 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur and enlarge the petitioner on bail.

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For Petitioner : Mr.S.Selvakumar

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 Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur vide Judgment dated 22.08.2024 in Spl.S.C.No.16 of 2023 and enlarge him on bail pending disposal of the present Criminal Appeal.

2. The petitioner is an accused in Spl.S.C.No.16 of 2023 on the file of Magalir Neethimandram (Fast Track Mahila Court), Tiruppur. The petitioner/accused was found guilty for commission of offence under Section 3(b) r/w. 4(2) of POCSO Act, 2012 and Section 376AB of IPC. Therefore, the Trial Court vide Judgment dated 22.08.2024 in Spl.S.C.No.16 of 2023,



convicted the petitioner/accused and sentenced him to undergo 20 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo 3 months 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 thus, petitioner/accused 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 respondent Police submitted that at the time of occurrence, victim girl was below 5 years and the petitioner/accused was 41 years. The petitioner/accused had sexually abused and sexually assaulted the minor



victim girl. The prosecution has proved the guilt of the petitioner/accused beyond all reasonable doubt before the Trial Court. 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 not 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:

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(i) The petitioner/accused shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Spl.S.C.No.16 of 2023 on the file of Magalir Neethimandram (Fast Track Mahila Court), Tiruppur, within a period of six weeks from the date of his release, failing which, this order shall stand automatically cancelled.

(ii) 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.

(iii) 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



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should be blood surety), each for a likesum to the satisfaction of learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur;

(iv) 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;

(v) The petitioner/accused shall appear the respondent Police, as and when required 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



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Trial Court on any other day in lieu of his absence, as directed

by the Trial Court; and

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

8. On deposit of Rs.20,000/- being made by the petitioner/accused in Spl.S.C.No.16 of 2023 on the file of Magalir Neethimandram (Fast Track Mahila Court), Tiruppur, mother of the minor victim girl is permitted to withdraw the said amount, on proper identification, in the manner known to law.

9. This Criminal Miscellaneous Petition is allowed with the above directions.

28.11.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

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Note: Registry is directed to list Crl.A.No.1833 of 2025 for hearing on 22.01.2026.

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To

- 1.The Sessions Judge,
Magalir Neethimandram (Fast Track Mahila Court),
Tiruppur.
- 2.The Inspector of Police,
Avinashi All Women Police Station,
Tiruppur District.
- 3.The Superintendent,

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Central Prison,
Coimbatore.

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4.The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI, J.

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