



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 21338 of 2025

IN

CRL A NO. 1742 OF 2025

Charles @ Charles Rajadurai
S/o.Keerthi Kumar, No.1,
Kattabomman Street, Venkatesan
Nagar, G.K.M.Colony, Chennai-82.

Petitioner(s)

Vs

The State Rep. by The Inspector of
Police
W-17, Sembium All Women Police
Station, Perambur, Chennai - 600 011.
Crime No. 01/2021

Respondent(s)

For Petitioner(s): Mr.C.D. Johnson

For Respondent(s): Dr.C.E.Pratap
Government Advocate (Crl.Side)



ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, to suspend the sentence imposed against the petitioner in Spl.S.C.No.6 of 2022, dated 31.10.2025 by the learned Sessions Special Court for Exclusive Trial of Cases under POCSO Act, at Chennai and enlarge him on bail.

2. The petitioner herein is the accused in Spl.C.C.No.6/2022, on the file of the Sessions Special Court for Exclusive Trial of Cases under POCSO Act, at Chennai, and convicted for the offence under Sections 10 and sentenced him to undergo rigorous imprisonment for 5 years and imposed a fine of Rs.5,000/- in default to pay the fine the appellant shall undergo 1 months simple imprisonment, and under Section 12 and sentenced him to undergo Rigorous imprisonment for 1 year and fine of Rs.1,000/- in default, to undergo Simple imprisonment for a month, against which the present Criminal appeal has been filed.



3. The learned counsel for the petitioner submitted that he was falsely implicated in this case, as if he committed penetrative sexual assault to the victim girl. The prosecution failed to establish the case beyond reasonable doubt, and the telephonic conversation recorded on the CD was not supported by the requisite certificate under Section 65(B) of the Evidence Act. In spite of this, he was convicted, and he is ready to abide by any conditions imposed by this Court. He further submitted that he is aged about 37 years, while the victim is aged about 12 years.

4. The learned prosecution raised strong objections stating that at the time of occurrence, the victim girl was aged about 12 years and the petitioner committed sexual assault, due to which she was conceived. Therefore he raised strong objections to suspend the sentence.

5. Considering the facts and circumstances of the case, the appellant is ready to comply with any conditions imposed, and as his family has suffered due to his prolonged incarceration, and the victim girl is presently under the safe



custody of her parents, 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.

Accordingly, till the disposal of the Criminal appeal, the reliefs of suspension of

sentence and bail are granted on the following conditions:

(a) the petitioner is directed to deposit a sum of Rs.30,000/- to the credit of Spl.SC.No.6 of 2022, on the file of the Sessions Special Court for Exclusive Trial of Cases under POCSO Act, at Chennai, within a period of two weeks from the date of his release. Failing which, the suspension of the sentence shall stand automatically cancelled.

(b) the petitioner/accused is ordered to be released on bail, on executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, in which one surety shall be a blood related surety, each for a like sum to the satisfaction of the learned Sessions Special Court for Exclusive Trial of Cases under POCSO Act, at Chennai.

(c) 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.



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(d) The petitioner shall report before the respondent police on every Tuesday at 10.30 a.m, and also shall appear before the Trial Court on every Saturday at 10.30 a.m., until the disposal of the 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 the date of his absence, as directed by the trial Court.

(e) the victim girl is permitted to withdraw the amount deposited by the petitioner in Spl.SC.No.6 of 2023, for the mental agony caused by the petitioner.

(f) the petitioner shall not to have any communicate with the victim girl and her family members.

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

13-11-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To

1. The State Rep. By
The Inspector of Police
W-17, Sembium All Women Police
Station, Perambur, Chennai - 600 011.
Crime No. 01/2021

2. The Sessions Special Court for
Exclusive Trial of Cases under POCSO
Act, at Chennai.

3. The Superintendent,
Central Prison, Puzhal, Chennai.

4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V.THAMILSELVI J.
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