



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP NO. 21944 OF 2025

IN CRL A No. 1777 of 2025

1. Venkatesh

Appellant(s)

Vs

1. The State Represented by
The Inspector of Police,
All Women Police Station,
Tiruchengode.

Respondent(s)

CRL MP No. 21944 of 2025

PRAYER

To suspend the sentence imposed against the petitioner in Spl.C.C No. 59 of 2022 on the file of the Sessions Judge, Magalir Neethi Mandram, FTMC, Namakkal, Namakkal District dated 19.08.2024 and enlarge the petitioner on bail till disposal of the appeal.

CRL A No. 1777 of 2025

For Appellant(s): E. Kannadasan
R.Thulasi
S.Priaydharshini
A.Ajay
T. Madhan Raj
P. Agnes Samantha Ophelie

For Respondent(s): Mr.V. Meganathan,
Government Advocate(Crl. Side)



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ORDER

This petition has been filed to suspend the sentence imposed against the petitioner in Spl.C.C No. 59 of 2022 on the file of the Sessions Judge, Magalir Neethi Mandram, FTMC, Namakkal, Namakkal District dated 19.08.2024 and enlarge the petitioner on bail till disposal of the appeal.

2. The petitioner herein was convicted by the Trial Court for the offence under Section 9(m) r/w 10 of POCSO Act and sentenced him to under to 6 years Rigorous Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo Simple Imprisonment for three months. Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that based on the complaint lodged by the victim's mother the petitioner has been falsely implicated in this case as if he sexually abused the victim girl. Further, the petitioner's family is starving due to his incarceration. Further, there are arguable points available in the Criminal Appeal and the petitioner/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.



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4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that 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. 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 is ordered to be released on bail, on their executing a separate bond **for a sum of Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethi Mandram, FTMC, Namakkal, Namakkal District. Further, the petitioner shall not communicate with the victim girl.

(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 petitioners shall 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 if there are not able to appear before the trial Court on any day, they 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.

20-11-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



T.V.THAMILSELVI J.
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To

1. The Sessions Judge, Magalir Neethi Mandram, FTMC, Namakkal, Namakkal District.
2. The Inspector of Police, All Women Police Station, Thiruchengode.
3. The Central Prison, Salem.
4. The Public Prosecutor, High Court, Madras.

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