



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.M.P.No.21621 of 2025

in Crl.A.No.1759 of 2025

Sarthaj

...Petitioner

Versus

State by

The Inspector of Police,
All Women Police Station, Central,
Coimbatore City.
(Crime No.6/2022)

...Respondent

Prayer:

This Criminal Miscellaneous Petition is filed under Section 438(1) of BNSS, 2023 praying to suspend the sentence imposed against the petitioner on 30.10.2025 in Spl.S.C.No.66 of 2022 on the file of Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore and release the petitioner on bail till the disposal of the Criminal Appeal.

1/7



For Petitioner : Mr.P.Pugalenth

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, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore vide Judgment dated 30.10.2025 in Spl.S.C.No.66 of 2022 and enlarge him on bail pending disposal of the above Criminal Appeal.

2. The petitioner is an accused in Spl.S.C.No.66 of 2022 on the file of Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore. The petitioner/accused was found guilty for commission of offence under Sections 3(a) r/w. 4(2) of POCSO Act, 2012 and Section

2/7



376(3) of IPC. Therefore, the Trial Court vide Judgment dated 30.10.2025

in Spl.S.C.No.66 of 2022, convicted the petitioner/accused and sentenced

him as follows:

S.No.	Offence	Punishment
1	Under Section 3(a) r/w. 4(2) of POCSO Act, 2012	To undergo 20 years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo 1 year simple imprisonment.
2	Under Section 376(3) of IPC	To undergo 20 years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo 1 year 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 has been under the judicial custody since 30.10.2025 and he 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.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that at the time of occurrence, the victim girl was aged about 14 to 16 years and the petitioner/accused was aged about 37 years. The petitioner/accused had sexually assaulted the victim girl by forcibly having sexual intercourse with her which was also proved 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.



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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 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:

(i) The petitioner/accused shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Spl.S.C.No.66 of 2022 on the file of Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore, within a period of three weeks from the date of his release on bail, failing which, this order shall stand automatically cancelled.

(ii) On such deposit being made, parents of the victim girl are permitted to withdraw the amount of Rs.50,000/- deposited by the petitioner/accused in Spl.S.C.No.66 of 2022



on the file of Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore and utilize the said amount for the welfare of victim girl.

(iii) 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.

(iv) 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 should be blood surety), each for a likesum to the satisfaction of the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore;

(v) 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;

(vi) The petitioner/accused shall appear before the



respondent Police on every Sunday at 10.30 a.m. and also, he shall appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., for a period of 3 months 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 his absence, as directed by the trial Court; and

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

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

24.11.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

Note: Registry is directed to list CrI.A.No.1759 of 2025 for hearing on 04.03.2026.

To

7/7



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1.The Sessions Judge,
Principal Special Court for Exclusive
Trial of Cases under POCSO Act,
Coimbatore.

2.The Inspector of Police,
All Women Police Station, Central,
Coimbatore City.

3.The Superintendent,
Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI, J.

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