



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 21819 of 2025

AND

CRL A NO. 76 OF 2024

1. KATHIRESAN

S/o.Dhanapalan, 282,
EM.Muthukumarasamy Street, Diesel
Shet, Chinnamalai Road, Erode, Erode
District.

Petitioner(s)

Vs

1. The State of Tamilnadu Rep.by,
Inspector of Police,
Erode All Women Police Station, Erode
District. Cr.No.7 of 2021.

Respondent(s)

PRAYER

To suspend the sentence of Imprisonment imposed by the learned Sessions Judge, Magalir Neethi Mandram, Fast Track Mahila court, Erode District in Spl.SC.No.70 of 2021 by the Judgement dated 08.11.2023 and enlarge the Petitioner/Appellant on bail, pending disposal of the above said Criminal Appeal.

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For Petitioner(s): M/s.R.Ashwin
R.L.Dhilipan Pandian

For Respondent(s): Public Prosecutor

ORDER



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This petition has been filed to suspend the sentence of Imprisonment imposed by the learned Sessions Judge, Magalir Neethi Mandram, Fast Track Mahila court, Erode District in Spl.SC.No.70 of 2021 by the Judgement dated 08.11.2023 and enlarge the Petitioner/Appellant on bail, pending disposal of the above said Criminal Appeal.

2. The petitioner herein is the accused in Spl.S.C.No.70 of 2021 on the file of the learned Sessions Judge, Magalir Neethi Mandram, Fast Track Mahila court, Erode District. He found guilty of the offences under Section 366 of IPC and Section 9 of Child Marriage Act and Sections 5(l), 5(n) r/w 6 of POCSO Act and he been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 6 of POCSO Act, 2012	to undergo rigorous imprisonment for a period of 20 years and to pay fine of Rs.5,000/-, in default to undergo simple imprisonment for three months.
2	Section 366 IPC	to undergo rigorous imprisonment for a period of 5 years and to pay fine of Rs.1,000/-, in default to undergo simple imprisonment for three months.
3	Section 9 of Child Marriage Act	to undergo rigorous imprisonment for a period of 1 year

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 the petitioner is living with two children due to his incarceration his children are starving and there are arguable points available in the Criminal Appeal and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioners/accused may be suspended. Further he would submit that the petitioner is ready to abide the condition imposed by this Court.

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/accused is ordered to be released on bail, on their executing a separate bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethi Mandram, Fast Track Mahila court, Erode District.

(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 petitioner 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 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.



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

To

1. The Sessions Judge, Magalir Neethi Mandram, Fast Track Mahila court, Erode District.
2. The Inspector of Police, Erode All Women Police Station, Erode.
3. The Central Prison, Coimbatore.
4. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.
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