



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated : 26.11.2025**

**Coram:**

**The Honourable Mrs.Justice T.V.THAMILSELVI**

**Crl.M.P.No.22397 of 2025  
in Crl.A.No.1324 of 2025**

Elumalai

...Petitioner

Versus

State Represented by  
Inspector of Police,  
Sankarapuram Police Station,  
Villupuram District.  
(Crime No.69 of 2012)

...Respondent

**Prayer:**

This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023 praying to suspend the sentence imposed on the petitioner passed by the learned Sessions Judge, Magalir Neethimandram, Villupuram District vide S.C.No.42 of 2015 dated 12.10.2022 and enlarge him on bail pending disposal of the main Criminal Appeal.

For Petitioner : Mr.G.Paramasivam

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 imposed on him by the learned Sessions Judge, Magalir Neethimandram, Villupuram District vide Judgment dated 12.10.2022 in S.C.No.42 of 2015 and enlarge him on bail pending disposal of the above Criminal Appeal.

2. The Petitioner is Accused No.1 in S.C.No.42 of 2015 on the file of Magalir Neethimandram, Villupuram District. The Petitioner/Accused No.1 was found guilty for commission of offence under Section 375/376 of IPC and Section 4 of Tamil Nadu Women Harassment Act. Therefore, the Trial Court vide Judgment dated 12.10.2022, convicted the Petitioner/Accused No.1 and sentenced him to undergo 7 years rigorous imprisonment and to pay a fine of Rs.25,000/-, in default, to undergo 3 months simple imprisonment. Aggrieved by the said conviction and sentence, Petitioner/Accused No.1 has preferred this Criminal Appeal.

3. The learned counsel for Petitioner/Accused No.1 submitted that the Petitioner/Accused No.1 has been under the judicial custody for more than 3



years 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 No.1 may be suspended.

4. The learned Government Advocate (Crl.Side) appearing for respondent Police submitted that he has serious objection for granting bail to Petitioner/Accused No.1 since the Petitioner/Accused No.1 had committed sexual assault on a mentally retarded woman and the same was also proved beyond all reasonable doubt before the Trial Court.

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 No.1 coupled with the quantum of punishment imposed on the Petitioner/Accused No.1 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 No.1 shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of S.C.No.42 of 2015 on the file of Magalir Neethimandram, Villupuram District, within a period of four weeks from the date of his release on bail, failing which, this order shall stand automatically cancelled;

(ii) On such deposit being made, the person who is taking care of the mentally retarded victim woman shall withdraw the amount of Rs.25,000/- deposited by the Petitioner/Accused No.1 in S.C.No.42 of 2015 on the file of Magalir Neethimandram, Villupuram District and utilize the said amount for the welfare of victim woman;

(iii) If the Petitioner/Accused No.1 fails to deposit the aforesaid amount, it is open to the trial Court to commit the Petitioner/Accused No.1 into custody for undergoing the sentence;

(iv) The sentence of imprisonment imposed on the Petitioner/Accused No.1 shall be suspended and the Petitioner/Accused No.1 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 trial Court;



(v) The Petitioner/Accused No.1 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 No.1 shall appear before the respondent Police on every Saturday 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., 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 trial Court on any other day in lieu of his absence, as directed by the trial Court; and

(vii) The Petitioner/Accused No.1 shall not have any communication with the victim woman and her family.

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

**26.11.2025**

mrr

Index: Yes/No

Speaking Order (or) Non-Speaking Order

**Note: Registry is directed to list CrI.A.No.1324 of 2025 for hearing on 04.03.2026.**

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To  
WEB COPY

1. The Sessions Judge,  
Magalir Neethimandram,  
Villupuram District
2. The Inspector of Police,  
Sankarapuram Police Station,  
Villupuram District.
3. The Superintendent,  
Central Prison, Cuddalore.
4. The Public Prosecutor,  
High Court, Madras.



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**T.V.THAMILSELVI, J.**

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