



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.M.P.No.22107 of 2025

in Crl.A.No.440 of 2024

1.Sarath Kumar

2.Manikumar

...Petitioners

Versus

The State by
The Inspector of Police,
All Women Police Station,
Hosur.
Crime No.36 of 2016

...Respondent

Prayer:

This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023 praying to suspend the sentence passed by the learned Sessions Judge, Fast Track Magila Court, Krishnagiri, Krishnagiri District in Spl.S.C.No.6 of 2018 by the Judgment dated 04.12.2023 and enlarging them on bail pending disposal of the above Crl.A.No.440 of 2024 on the file of



this Court.

For Petitioners : Mr.M.G.Udayashankar
For Respondent : Mr.V.Meganathan,
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the Petitioners seeking to suspend the sentence of imprisonment imposed on them by the learned Sessions Judge, Fast Track Magila Court, Krishnagiri, Krishnagiri District vide Judgment dated 04.12.2023 in Spl.S.C.No.6 of 2018 and enlarge them on bail pending disposal of the above Criminal Appeal.

2. The Petitioners are Accused Nos.1 & 2 in Spl.S.C.No.6 of 2018 on the file of Fast Track Mahila Court, Krishnagiri, Krishnagiri District. The Petitioners/Accused Nos.1 & 2 were found guilty of the offence under

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Sections 5(m) & (g) r/w. 6 of POCSO Act, 2012. Therefore, the Trial Court vide Judgment dated 04.12.2023 in Spl.S.C.No.6 of 2018, convicted the Petitioners/Accused Nos.1 & 2 and sentenced them to undergo 10 years rigorous imprisonment each and to pay a fine of Rs.1,000/- each, in default, to undergo 1 year simple imprisonment. Aggrieved by the said conviction and sentence, Petitioners/Accused Nos.1 & 2 have preferred this Criminal Appeal.

3. The learned counsel for Petitioners/Accused Nos.1 & 2 submitted that Petitioners/Accused Nos.1 & 2 have been under the judicial custody for more than 1 year 10 months and they are ready to abide any condition to be imposed by this Court. Therefore, the learned counsel prayed that the substantive sentence imposed on the Petitioners/Accused Nos.1 & 2 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 11 years, 1st Petitioner/Accused No.1 was 21 years and 2nd Petitioner/Accused No.2 was 30 years. The Petitioners/Accused Nos.1 & 2 had sexually harassed the victim girl fully knowingly that she was a minor 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 Petitioners/Accused Nos.1 & 2.

4.1. It is further submitted by the learned Government Advocate (Crl.Side) for respondent Police that the victim girl's family has moved to Assam.

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 Petitioners/Accused Nos.1 & 2 coupled with the quantum of punishment imposed on the Petitioners/Accused Nos.1 & 2 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 sentence of imprisonment imposed on the Petitioners/Accused Nos.1 & 2 shall be suspended and the Petitioners/Accused Nos.1 & 2 shall be released on bail on condition that they shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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,



Fast Track Magila Court, Krishnagiri, Krishnagiri District;

(ii) The Petitioners/Accused Nos.1 & 2 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; and

(iii) The Petitioners/Accused Nos.1 & 2 shall appear before the respondent Police on every Saturday at 10.30 a.m. and also, they 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 12 weeks and if they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.

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

24.11.2025

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Index: Yes/No

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Speaking Order (or) Non-Speaking Order

To

1.The Sessions Judge,
Fast Track Magila Court,
Krishnagiri, Krishnagiri District.

2.The Inspector of Police,
All Women Police Station,
Hosur.

3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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in CrI.A.No.440 of 2024

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