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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.M.P.No.22271 of 2025

in Crl.A.No.179 of 2023

Chinnakutty @ Krishnasamy

...Petitioner

Versus

State Represented by
Inspector of Police,
Devala AWPS Police Station,
Nilagiri District.
(Crime No.02/2017)

...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 (Fast Track Mahila Court), Udthagamandalam, Nilgiris dated 06.09.2022 and release him on bail pending disposal of the main Criminal Appeal.

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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 of imprisonment imposed on him by the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Udhagamandalam, Nilgiris vide Judgment dated 06.09.2022 in Spl.C.C.No.8 of 2017 and enlarge him on bail pending disposal of the above Criminal Appeal.

2. The petitioner is an accused in Spl.C.C.No.8 of 2017 on the file of Magalir Neethimandram (Fast Track Mahila Court), Udhagamandalam, Nilgiris. The petitioner/accused was found guilty for commission of offence



under Section 366 of IPC and Section 3(1) r/w. 4(2) of POCSO Act, 2012.

Therefore, the Trial Court vide Judgment dated 06.09.2022 in Spl.C.C.No.8 of 2017, convicted the petitioner/accused and sentenced him as follows:

S.No.	Offence	Punishment
1	Under Section 366 of IPC	To undergo 5 years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo 6 months simple imprisonment.
2	Under Section 3(1) r/w. 4(2) of POCSO Act, 2012	To undergo 20 years rigorous imprisonment and to pay a fine of Rs.15,000/-, in default, to undergo 6 months 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 is a married man and he is the sole bread-winner of his family. Since petitioner/accused has been under the judicial custody for more than 3 years, his family members are suffering a lot to eke out their



liveliness. The petitioner/accused has already paid the entire fine amount of Rs.25,000/- as ordered by the trial Court 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.

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 13 years and the petitioner/accused was aged about 24 years. The petitioner/accused had abducted the victim girl against her will and had committed penetrative sexual assault on the victim girl which was 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.



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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 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 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.25,000/- (Rupees Twenty



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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, Magalir Neethimandram (Fast Track Mahila Court), Udhagamandalam, Nilgiris;

(ii) 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;

(iii) 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 12 weeks and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application



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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.

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

8. It is needless to state that the fine amount of Rs.25,000/- paid by the petitioner/accused shall be disbursed to the victim girl as ordered by the Trial Court.

9. 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

Note: Registry is directed to list Crl.A.No.179 of 2023 in the 1st week of March, 2026.

To

- 1.The Sessions Judge,
Magalir Neethimandram (Fast Track Mahila Court),
Udhagamandalam, Nilgiris.
- 2.The Inspector of Police,
Devala AWPS Police Station,
Nilagiri District.
- 3.The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI, J.

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