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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 22800 of 2025 AND CRL A NO. 1194 OF 2025

1. S.Dinesh

S/o.Seenivasan, No.13, Gangai Amman

Koil, 2nd Street, Vadapalani, Chennai-

600 026.

Petitioner(s)

Vs

1. The State through Inspector of Police

W-21 Guindy All Women Police

Station, Chennai-32. (Cr.No. 892/2020,
893/2020.)

Respondent(s)

PRAYER: To suspend the sentence imposed against the petitioner/appellant (Accused No.2) in S.C.No. 82/2021 on the file of the Court of Sessions judge Special Court for Exclusive Trial of Cases under POCSO Act, Chennai dt. 25.11.2024 pending disposal of the main Crl.A.

For Petitioner(s): C.K.M.Appaji
P.Murthy
M.Madhankumar
V.Haritha
Darren Charles

For Respondent(s): Mr.V. Meganathan, Govt
Advocate

ORDER



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This Criminal Miscellaneous Petition has been filed by the petitioner, to suspend the sentence imposed against the petitioner/appellant (Accused No.2) in S.C.No. 82/2021 on the file of the Court of Sessions judge Special Court for Exclusive Trial of Cases under POCSO Act, Chennai dated 25.11.2024 pending disposal of the main Crl.A.

2. The petitioner herein is the accused in S.C.No. 82/2021 on the file of the Court of Sessions judge Special Court for Exclusive Trial of Cases under POCSO Act, Chennai. He was found guilty of the offence under Section 6 of POCSO Act, 2012(2 counts). Therefore the Trial Court vide Judgment dated 25.11.2024 in Spl.S.c.No.82 of 2021, convicted the petitioner and sentenced him to undergo 20 years rigorous imprisonment and to pay fine of Rs.5,000/- in default, to undergo one month simple imprisonment for each count. Aggrieved by the same the petitioner has preferred the present Criminal Appeal.

3.The learned counsel for the petitioner/accused would submit that 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 petitioner/accused may be suspended.



He would further submit that for the co-accused this Court has already granted sos in Crl.M.P.No.17809 of 2025 in Crl.A.No.645 of 2025 on 19.11.2025 and he is ready to abide the condition imposed by this Court.

4. The learned Government Advocate(Crl.side) appearing for the respondent police submitted that his is the case where two minor victim girls were subjected to gang penetrative sexual assault at the hands of the petitioner/Accused No.1 and Accused No.2 & 6 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 the petitioner.

5. Heard both sides and perused the material 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, 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. Accordingly, till the disposal of the Criminal



appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only), to the credit of S.C.No. 82/2021 on the file of the Court of Sessions judge Special Court for Exclusive Trial of Cases under POCSO Act, without prejudice his defence, within a period of three weeks from the date of receipt of a copy of this order.

(b) the petitioner/accused is ordered to be released on bail, on executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, in which one surety must be a blood related surety, each for a like sum to the satisfaction of the learned Sessions judge Special Court for Exclusive Trial of Cases under POCSO Act,

(c) 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.

(d) The petitioner shall appear before the respondent police on every Saturday at 10.30. a,m and also shall appear before the



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Trial court on the first working day of every English Calendar month at 10.30 a.m, till 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 355 of BNSS, 2023. 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.

(e) On such deposit being made by the petitioner in S.C.No. 82/2021 on the file of learned Sessions judge Special Court for Exclusive Trial of Cases under POCSO Act, both the victims are permitted to withdraw the amount equally on proper identification, in the manner known to law.

5. With the above directions, this Criminal Miscellaneous Petition is ordered.

28-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To.

1. The Sessions judge Special Court for Exclusive Trial of Cases under POCSO Act, Chennai. .2. The Inspector of Police W-21 Guindy All Women Police Station, Chennai-32

3. The Superintendent, Central Prison- 1, Puzhal, Chennai



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4. The Public Prosecutor, High Court, Madras

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T.V.THAMILSELVI, J.

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