



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.M.P.No.22174 of 2025

in Crl.A.No.300 of 2023

Elangovan

...Petitioner

Versus

The State Rep. by its
The Inspector of Police,
Avinasi All Women Police Station.
Crime No.5 of 2022

...Respondent

Prayer:

This Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C and Section 430(1) of BNSS, 2023 praying to suspend the execution of the sentence imposed by the order passed against the petitioner/appellant in Spl.S.C.No.87 of 2022 on 30.01.2023 by the learned Sessions Judge, Magalir Neethimandram, Fast Track Mahila Court at Tiruppur enlarge on



bail pending disposal of the above said Criminal Appeal.

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For Petitioner : Mr.P.Thinesh

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, Tiruppur vide Judgment dated 30.01.2023 in Spl.S.C.No.87 of 2022 and enlarge him on bail pending disposal of the above Criminal Appeal.

2. The petitioner is an accused in Spl.S.C.No.87 of 2022 on the file of Magalir Neethimandram, Fast Track Court, Tiruppur. The petitioner/accused was found guilty for commission of offence under Section 5(i) r/w. 5(1) of POCSO Act, 2012 and Section 376AB of IPC. Therefore, the Trial Court



vide Judgment dated 30.01.2023 in Spl.S.C.No.87 of 2022, convicted the petitioner/accused and sentenced him as follows:

S.No.	Offence	Punishment
1	Under Section 5(i) r/w. 5(1) of POCSO Act, 2012	To undergo 20 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo 1 month rigorous imprisonment.
2	Under Section 376AB of IPC	To undergo 20 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo 1 month rigorous 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 has been under the judicial custody since 25.04.2022 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.



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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 2½ years and the petitioner/accused was aged about 21 years. The petitioner/accused had sexually abused the minor 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.

4.1. It is further submitted by the learned Government Advocate (Crl.Side) for respondent Police that now the victim girl is under the care and custody of her parents.

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 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 petitioner/accused shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Spl.S.C.No.87 of 2022 on the file of Magalir Neethimandram, Fast Track Court, Tiruppur, within a period of two weeks from the date of his release on bail, failing which, this order shall stand automatically cancelled.

(ii) On such deposit being made, mother of the minor victim girl shall withdraw the amount of Rs.50,000/- deposited by the petitioner/accused in Spl.S.C.No.87 of 2022 on the file of Magalir Neethimandram, Fast Track Court, Tiruppur and



utilize the said amount for the welfare of minor victim girl.

(iii) If the petitioner/accused fails to deposit the aforesaid amount, it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence.

(iv) 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.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 the learned Sessions Judge, Magalir Neethimandram, Fast Track Mahila Court, Tiruppur;

(v) 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;

(vi) 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 4 weeks 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.

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

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

24.11.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

Note: Registry is directed to list CrI.A.No.300 of 2023 on 29.01.2026 under the caption, “For Reporting Compliance”.

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- To
- 1.The Sessions Judge,
Magalir Neethimandram,
Fast Track Mahila Court, Tiruppur.
 - 2.The Inspector of Police,
Avinasi All Women Police Station.
 - 3.The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI, J.

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