



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.No.22855 of 2025
in Crl.A.No.1845 of 2025**

Moorthi

...Petitioner

Versus

State represented by,
Inspector of Police,
Arachalur Police Station,
Erode District.
(Crime No.742/2020)

...Respondent

Prayer:

This Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C praying to suspend the sentence imposed on the appellant in Special S.C.No.78 of 2021 passed by the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Erode, pending disposal of the above Criminal Appeal.

For Petitioner : Mr.S.Jeyakumar

For Respondent : Mr.V.Meganathan,
Government Advocate (Crl.Side)



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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 Neethi Mandram (Fast Track Mahila Court), Erode vide Judgment dated 18.06.2025 in Spl.S.C.No.78 of 2021 and enlarge him on bail pending disposal of the present Criminal Appeal.

2. The petitioner is an accused in Spl.S.C.No.78 of 2021 on the file of Magalir Neethi Mandram (Fast Track Mahila Court), Erode. The petitioner/accused was found guilty for commission of offence under Section 366 of IPC; Section 9 of Prohibition of Child Marriage Act, 2006 and Section 5(1) punishable under Section 6 of POCSO Act, 2012. Therefore, the Trial Court vide Judgment dated 18.06.2025, 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.5,000/-, in default, to undergo 3 months simple imprisonment.
2	Under Section 9 of Prohibition of Child Marriage Act, 2006	To undergo 1 year rigorous imprisonment and to pay a fine of Rs.20,000/-, in default, to undergo 3 months simple imprisonment.

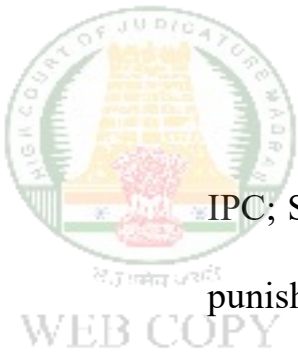


3	Under Section 5(1) punishable under Section 6 of POCSO Act, 2012	To undergo 20 years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo 3 months simple imprisonment.
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Aggrieved by the said conviction and sentence, petitioner/accused has preferred this Criminal Appeal.

3. The learned counsel for petitioner/accused submitted that petitioner/accused has been under the judicial custody for more than 5 months 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 15 years and the petitioner/accused was aged about 36 years. Before the Trial Court, it was proved by the prosecution that petitioner/accused had sexual intercourse with the victim girl on the pretext of love affair fully knowingly well that the victim girl was a minor and thereby, petitioner/accused had committed offence under Section 366 of



IPC; Section 9 of Prohibition of Child Marriage Act, 2006 and Section 5(1) punishable under Section 6 of POCSO Act, 2012. Therefore, the learned Government Advocate (Crl.Side) submitted that he has serious objection for enlarging the petitioner/accused on bail.

4.1. It is further submitted by the learned Government Advocate (Crl.Side) for respondent Police that the victim girl got married and she has a child.

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 petitioner/accused shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Spl.S.C.No.78 of 2021 on the file of Magalir Neethi Mandram (Fast Track Mahila Court), Erode, 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, the victim girl shall withdraw the amount of Rs.30,000/- deposited by the petitioner/accused in Spl.S.C.No.78 of 2021 on the file of Magalir Neethi Mandram (Fast Track Mahila Court), Erode, on proper identification, in the manner known to law.

(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 Neethi Mandram (Fast Track Mahila Court), Erode;

(v) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety



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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; and

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

8. This Criminal Miscellaneous Petition is allowed on the above conditions.

28.11.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

Note to Registry:



(i) Issue Order Copy on 01.12.2025.

(ii) List CrI.A.No.1845 of 2025 on 06.03.2026 for hearing.

To

- 1.The Sessions Judge,
Magalir Neethi Mandram (Fast Track Mahila Court),
Erode.
- 2.The Inspector of Police,
Arachalur Police Station,
Erode District.
- 3.The Superintendent,
Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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