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CRL MP No. 22661 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 22661 of 2025

and

CRL A No. 1822 of 2025

Prakash
S/o.Senthilkumar,
Thangamapuripattinam,
Mettur Dam-2, Salem District.

..Appellant(s)

Vs

The State Rep by,
The Inspector of Police,
Karumalaikoodal Police Station,
Salem District. Cr.No.16/2020.

..Respondent(s)

To suspend the sentence imposed against the petitioner/appellant in the judgment dated 02.08.2023 made in Spl.SC No.30/2020 passed by the Learned Sessions Judge, Principal POCSO Court, Salem and release the petitioner on bail pending disposal of the above appeal.

For Appellant(s): Mr. L.Ramanathan

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner,



seeking suspension of sentence imposed by the learned Sessions Judge, Principal POCSO Court, Salem, in Spl.S.C.No.30 of 2020 dated 02.08.2023 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.30 of 2020 on the file of the learned Sessions Judge, Principal POCSO Act, Salem. He was found guilty of the offences under Section 341, 324, 506(ii) of I.P.C. and 7 r/w 8 of POCSO Act and he has been convicted and sentenced as under :-

and he has been convicted and sentenced as under:-

S.No.	Conviction	Sentence
1	Section 341 of I.P.C.	To pay fine of Rs.500/-, in default to undergo addl. rigorous imprisonment for one month.
2	Section 324 of I.P.C.	to undergo rigorous imprisonment for a period of 3 years
3	Section 506(ii) of I.P.C.	to undergo rigorous imprisonment for a period of 5 years
4	Section 7 r/w 8 of POCSO Act.	to undergo rigorous imprisonment for a period of 5 years and to pay fine of Rs.1,000/-, in default to undergo additional rigorous imprisonment for one year.

Aggrieved by the same, the petitioner had filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that he has been falsely implicated in this case as if he had committed sexual assault



to the victim girl, but in fact he has not committed any offence as alleged against him. He would submit that he is in custody from the date of judgment i.e. on 02.08.2023 for more than two years and three months. He would also 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 submit that the petitioner is ready to abide the condition imposed by this Court.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition and contended that the petitioner is a married man and both the victim girl and the petitioner were living in the same locality. Further, he would contend that when the petitioner attempted to make sexual abuse, he was also attacked by her uncle and aunt came there and questioned him. He would submit that he has no bad antecedents and the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.



6. On seeing the facts, it reveals that both the victim and the petitioner were belong to same locality and he is aged about 27 years and the victim girl is aged about 25 years and he is in custody from the date of judgment i.e. on 02.08.2023 for more than two years and three months, he has no bad antecedents and now victim girl is under the care of her parents and he is ready to abide any condition imposed by this court. Considering that and 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 and the learned Government Advocate (Crl. Side) appearing for the respondent police, 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.

7. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment imposed by the learned trial Judge is alone suspended and bail are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on their executing a separate bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Sessions Judge, Principal POCSO Court, Salem.**



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(b) 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.

(c) **The petitioner shall appear before the respondent police on every Saturday at 10.30 a.m. for the period of three months and he shall also appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Appeal and he shall not have any communication with the victim girl and her family** 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 317 Cr.P.C. 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.

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

27-11-2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP



To

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1. Sessions Judge, Principal POCSO Court, Salem.
2. The Inspector of Police, Karumalaikoodal Police Station, Salem District.
3. The Superintendent of Prison, District Prison, Salem.
4. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI, J.

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