



WEB COPY

CRL MP No. 22642 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

CORAM

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

CRL MP NO. 22642 OF 2025

AND

CRL A No. 1820 of 2025

Murugan

S/o.Anjan,

NO.17, Colony Theru, Keezhakasakudy,
Kottucherry, Karaikal District, Puducherry.

..Appellant(s)

Vs

State rep.by,Inspector of Police,
Kottucherry Police Station,
Karaikal, Puducherry.
Crime No.103 of 2022

..Respondent(s)

To suspend the sentence imposed on the petitioner/appellant by the Learned Special Judge (Under the POCSO Act, 2012) Karaikal in Spl.S.C.No.26 of 2022 dated 30.01.2025 and enlarge the petitioner on bail.

For Appellant(s):

Ms.H.Kavitha

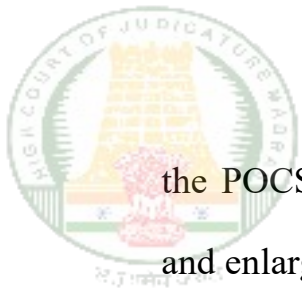
For Respondent(s):

Mr.A.Alexander

Govt. Advocate (Pudy.)

Order

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Special Judge (Under



the POCSO Act, 2012), Karaikal, in Spl.S.C.No.26 of 2022 dated 30.01.2025 and enlarge the petitioner on bail pending disposal of the above appeal.

WEB COPY

2. The petitioner herein is the accused in Spl.S.C.No.26 of 2022 on the file of the learned Special Judge (Under the POCSO Act,2012), Karaikal. He was found guilty of the offences under Section 10 of POCSO Act and he has been convicted and sentenced to undergo Rigorous Imprisonment for 6 years and to pay a fine of Rs.1000/- in default of payment of fine, to undergo simple imprisonment for two months. 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 30.01.2025 for more than 10 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 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 a married man and having family, due to his incarceration, his family is struggling for their livelihood and he is in custody from the date of judgment i.e. on 30.01.2025 for more than 10 months and he has no bad antecedents and he is aged about 58 years. 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.

WEB COPY

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 Special Judge (Under the POCSO Act,2012), Karaikal.**

(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 Trial Court as and when required 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.

WEB COPY

27-11-2025

RPP

To

- 1.Special Judge (Under the POCSO Act,2012), Karaikal
- 2.Inspector of Police, Kottucherry Police Station, Karaikal, Puducherry.
- 3.The Superintendent of Prison, Central Prison, Pondicherry.
4. The Public Prosecutor, High Court, Madras.



WEB COPY

CRL MP No. 22642 of 2



T.V.THAMILSELVI J.

RPP

**CRL MP NO. 22642 OF 2025
AND
CRL A No. 1820 of 2025**

**27-11-2025
(2/2)**