



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.No.22856 of 2025
in Crl.A.No.1844 of 2025**

Silambarasan

...Petitioner

Versus

State Rep. by
The Inspector of Police,
All Women Police Station,
Jayamkondan,
Ariyalur District.
Crime No.5 of 2018

...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 sentence imposed in Spl.S.C.No.34 of 2018 on the file of Fast Track Mahila Sessions Court, Ariyalur by a judgment dated 26.10.2022 and enlarge the petitioner on bail pending disposal of Criminal Appeal on the file of this Court.

For Petitioner : Mr.T.Muruganantham

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, Fast Track Mahila Court, Ariyalur vide Judgment dated 26.10.2022 in Spl.S.C.No.34 of 2018 and enlarge him on bail pending disposal of the present Criminal Appeal.

2. The petitioner is an accused in Spl.S.C.No.34 of 2018 on the file of Fast Track Mahila Court, Ariyalur. The petitioner/accused was found guilty for commission of offence under Section 6 of POCSO Act, 2012 and Section 376 of IPC. Therefore, the Trial Court vide Judgment dated 26.10.2022 in Spl.S.C.No.34 of 2018, convicted the petitioner/accused and sentenced him to undergo 10 years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo 1 year simple 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 is a married man and he has three children. Since



petitioner/accused has been under the judicial custody, his family members are financially struggling a lot to eke out their livelihood. The petitioner/accused 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 respondent Police submitted that petitioner/accused had sexually abused the minor victim girl and made her pregnant which was also proved beyond all reasonable doubt before the Trial Court. He further submitted that the child which was born to the victim girl has been given to adoption centre. Therefore, the learned Government Advocate (Crl.Side) submitted that he has serious objection for granting bail to petitioner/accused.

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.34 of 2018 on the file of Fast Track Mahila Court, Ariyalur, within a period of four weeks from the date of receipt of a copy of this order, failing which, this order shall stand automatically cancelled.

(ii) 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.

(iii) 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 learned Sessions Judge, Fast Track Mahila Court, Ariyalur.;

(iv) 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;

(v) The petitioner/accused shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., till the disposal of 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 his absence, as directed by the Trial Court; and

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



8. On deposit of Rs.30,000/- being made by the petitioner/accused in Spl.S.C.No.34 of 2018 on the file of Fast Track Mahila Court, Ariyalur, victim girl is permitted to withdraw the said amount, on proper identification, in the manner known to law.

9. This Criminal Miscellaneous Petition is allowed with the above directions.

28.11.2025

mrr

Index: Yes/No

Speaking Order (or) Non-Speaking Order

Note: Registry is directed to list CrI.A.No.1844 of 2025 for hearing on 06.03.2026.

To

1.Fast Track Mahila Court,
Ariyalur.

2.The Inspector of Police,
All Women Police Station,
Jayamkondan,
Ariyalur District.

3.The Superintendent,
Central Prison,
Trichy.

4.The Public Prosecutor,
High Court, Madras.

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T.V.THAMILSELVI, J.

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