



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.M.P.No.22915 of 2025

in Crl.A.No.1853 of 2025

Sathish

...Petitioner

Versus

State rep. by
Inspector of Police,
All Women Police Station,
Kangeyam,
Tiruppur District.
(Crime No.14/2022)

...Respondent

Prayer:

This Criminal Miscellaneous Petition is filed under Section 430(2) of BNSS, 2023 praying to suspend the sentence made in Judgment dated 04.08.2023 made in Spl.S.C.No.154 of 2022 on the file of learned Sessions



Judge, Magalir Neethimandram (Fast Track Court), Tiruppur and enlarge the petitioner on bail.

For Petitioner : W.Camyles Gandhi
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 (FTC), Tiruppur vide Judgment dated 04.08.2023 in Spl.S.C.No.154 of 2022 and enlarge him on bail pending disposal of the present Criminal Appeal.

2. The petitioner is an accused in Spl.S.C.No.154 of 2022 on the file of Magalir Neethimandram (FTC), Tiruppur. The petitioner/accused was found guilty for commission of offence under Section 5(m), 5(i) r/w. 6(1) of POCSO Act, 2012 and Sections 342, 376AB & 506(ii) of IPC. Therefore,



the Trial Court vide Judgment dated 04.08.2023 in Spl.S.C.No.154 of 2022,

convicted the petitioner/accused and sentenced him as follows:

S.No.	Offence	Punishment
1	Under Section 5(m), 5(i) r/w. 6(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 year rigorous imprisonment.
2	Under Section 342 of IPC	To undergo 1 year rigorous imprisonment.
3	Under Section 506(ii) of IPC	To undergo 7 years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo 6 months 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 is under the judicial custody and thus, 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.



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4. The learned Government Advocate (Crl.Side) appearing for respondent Police submitted that at the time of occurrence, victim girl was below 12 years and the petitioner/accused was 26 years. The petitioner/accused had committed penetrative sexual assault on the minor victim girl. Before the Trial Court, the prosecution has proved the guilt of petitioner/accused beyond all reasonable doubt. 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 records.

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 not 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 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.25,000/- (Rupees Twenty Five 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, Magalir Neethimandram (FTC), Tiruppur;

(ii) 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;



(iii) The petitioner/accused shall appear the respondent Police, as and when required and also, he 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

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

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

28.11.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

Note: Registry is directed to list CrI.A.No.1853 of 2025 for hearing on 09.03.2026.



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To

1.The Sessions Judge,
Magalir Neethimandram (FTC),
Tiruppur.

2.The Inspector of Police,
All Women Police Station,
Kangeyam,
Tiruppur 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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