



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-12-2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 23359 of 2025

in

CrI.A.No.758 of 2025

M.Durai

...Petitioner(s)

Vs

1. The State Rep by its,
The Deputy Superintendent of Police,
Gingee Police Station,
Villupuram.
(Crime No.625 of 2017)

2. M.Parthasarathy,
The Village Administrative Officer,
Arungunam Village,
Maduranthakam Taluk,
Sakkarapuram, Gingee.

...Respondent(s)

PRAYER:- Criminal Miscellaneous Petition filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to pass an order suspending the sentences imposed in SPL.S.CNo.52 of 2018 vide the judgment of conviction dated 31.01.2025 passed by the learned Session Judge, Special Court for Exclusive Trial of Cases Under Scheduled caste and Scheduled Tribes (POA) Act at Villupuram and to enlarge the Petitioner/Appellant/2nd Accused on bail pending disposal of the Criminal Appeal No.758 of 2025.

For Petitioner(s): Mr.G.Prabhakaran



For Respondent(s): Mr.S.Raja Kumar
Government Advocate (Crl.Side for R1)

ORDER

WEB COPY

This petition has been filed to suspend the sentence imposed on the petitioner/Appellant in Spl.S.C.No.52 of 2018 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Sc/ST POA Act, 1989, Villupuram by its Judgement dated 31.01.2025 and enlarge the petitioner on bail, pending disposal of the Criminal Appeal No.758 of 2025.

2. The petitioner herein was convicted by the Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Sc/ST POA Act, 1989, Villupuram, in Spl.S.C.No.52 of 2018 and sentenced him to undergo Rigorous Imprisonment for 10 years and pay a fine of Rs.10,000/-, in default to undergo Rigorous Imprisonment for 2 years for the offence under Section 376(2)(l) IPC and 376(2)(m) IPC, sentenced to undergo Rigorous imprisonment for 10 years and pay a fine of Rs.10,000/-, in default, to undergo Rigorous Imprisonment for 2 years and under Section 376(d), sentenced him to undergo Rigorous Imprisonment for 20 years and pay a fine of Rs.1,00,000/-, in default to undergo Rigorous Imprisonment for 5 years. Aggrieved over the same, the appellant filed the criminal appeal along with Criminal Miscellaneous petition.

3. The learned counsel for the petitioner would submit that this is the



second petition for suspension of sentence; that the earlier petition for suspension of sentence was dismissed on 02.07.2025 in Crl.M.P.No.12704 of 2025; that the change in circumstance is that a similarly placed co-accused was granted suspension of sentence by this Court on 25.11.2025 in Crl.M.P.No.18982 of 2025; and that the evidence of the victim girl does not inspire confidence; and that there are substantial grounds raised in the above appeal which calls for setting aside the impugned judgment.

4. The learned counsel *per contra* would submit that it is a case of gang rape; that the petitioner along with other accused had committed rape of a mentally retarded woman; that the evidence of the victim and other witnesses on the side of the prosecution has established the offence against the petitioner; and that considering the gravity of the offence, the petition may be dismissed.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl.side) appearing for the respondent and perused the records.

6. Though the earlier petition was dismissed by this Court on 02.07.2025,



it is seen that the similarly placed co-accused granted suspension of sentence on 25.11.2025 in CrI.M.P. No.18982 of 2025. This Court is also convinced after perusing the evidence of the victim girl and other evidence on record, that the petitioner has raised substantial grounds in the above appeal, and since the criminal appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

7. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended and the petitioner is ordered to be released on bail 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 for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Sc/ST POA Act, 1989, Villupuram.

(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 on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Appeal and if there are not able to appear before the trial Court on any day, they 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.

12-12-2025

Mac

To

1. The Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Sc/ST POA Act, 1989, Villupuram.
2. The Inspector of Police, Gingee Police Station, Villupuram District.
3. The Central Prison, Cuddalore.
4. The Public prosecutor, High Court, Madras.



WEB COPY

CRL. M.P.No.23359 of 2



SUNDER MOHAN, J.
mac

CRL MP No. 23359 of 2025
in
CrI.A.No.758 of 2025

12-12-2025