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CRL MP No. 23867 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 23867 of 2025

AND

CRL A NO. 872 OF 2025

1. Periyasamy

Petitioner(s)

Vs

1. State rep by Inspector of Police
Anamalai Police Station, Coimbatore
District Cr.No.747 of 2021

Respondent(s)

PRAYER

To suspend the sentence imposed by the learned Trial Judge of the Principal Special Court for exclusive trial of cases under POCSO Act, Coimbatore dated 09.08.2024 in Spl. S.C.No.36 of 2022 by enlarge the Petitioner/Appellant on Bail pending Disposal of the above Criminal Appeal and thus render Justice.

For Petitioner(s): V.Kasiviswanathan

For Respondent(s): Mr.S.Balaji,
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of the sentence imposed on the petitioner/accused by judgment and order dated 09.08.2024 in Special Sessions Case No.36 of 2022 on the file of the learned Principal Special Court for Exclusive Trial of Cases under POCSO Act,



Coimbatore, and to enlarge the petitioner on bail pending disposal of the appeal.

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2. The petitioner/accused in Special Sessions Case No.36 of 2022 was convicted by the Trial Court by judgment dated 09.08.2024 and sentenced to undergo rigorous imprisonment for a period of ten years for each count and to pay a fine of Rs.5,000/- for each count, in default to undergo simple imprisonment of one year for each count for the offences punishable under Sections 5(m), 5(n) r/w Section 6 of the POCSO Act, 2012 and to undergo rigorous imprisonment for a period of three years for each count and to pay a fine of Rs.5,000/- for each count, in default to undergo simple imprisonment of six months for each count for the offences punishable under Section 11 r/w Section 12 of the POCSO Act, 2012, to undergo rigorous imprisonment for a period of five years for each count and to pay a fine of Rs.5,000/- for each count, in default to undergo simple imprisonment of one year for each count for the offences punishable under Sections 9(1), 9(m), 9(n) r/w Section 10 of the POCSO Act, 2012, to undergo rigorous imprisonment for a period of one year for each count for the offences punishable under Section 323 of IPC and to undergo rigorous imprisonment for a period of three years for the offences punishable under Section 506(ii) of IPC. Aggrieved by the same, the petitioner/accused filed CrI.A.No.872 of 2025 along with the instant miscellaneous petition seeking suspension of sentence and bail.



3. The allegation against the petitioner is that he committed penetrative sexual assault and sexual assault on the victim girls, who are his minor daughters; that the occurrences took place in the year 2015, and out of fear, the victim girls did not lodge a complaint immediately and gave their complaint only in the year 2021; and that the petitioner was in the habit of inappropriately touching the private parts of the victim girls and thus committed the aforesaid offences.

4. The learned counsel for the petitioner would submit that the case has been foisted against the petitioner owing to marital differences between the petitioner and his wife, that the victim girls have been tutored by their mother; that there is no explanation for the delay of six years in lodging the complaint; that the victim girls have given contradictory versions in their 164 statements and in their depositions before the Court; that the petitioner has been in custody from 09.08.2024; that considering the period of incarceration and the aforesaid circumstances, the petitioner has raised substantial grounds in the appeal, which requires consideration, and prayed for granting suspension of sentence to the petitioner.

5. The learned Government Advocate (Crl.Side) confirms that though the alleged acts took place in the year 2015, the complaint was lodged only in the year 2021 and submits that the victim girls have spoken about the petitioner's



acts and opposed for granting suspension of sentence to the petitioner.

6. Considering the fact that the petitioner has been in custody from 09.08.2024; that he has substantial grounds in the appeal which requires consideration and finding considerable force in the submissions made on his behalf; this Court is of the view that the petitioner has made out a prima facie case for suspension of sentence and further taking into account that the appeal is not likely to be taken up in the near future, this court is inclined to suspend the sentence.

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:

(i) The petitioner/accused is ordered to be released on bail, on their executing a separate bond for a sum of Rs.10,000/- (Rupees Ten 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 Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore;

(ii) 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;

(iii) 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 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.

18-12-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Note: Issuer order copy by 18.12.2025

To

1. Learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore,
2. The Inspector of Police, Anamalai Police Station, Coimbatore
3. The Public Prosecutor, Madras High Court.
4. The Superintendent, Central Prison, Coimbatore.



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SUNDER MOHAN J.
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