



CrI.MP(MD) No.3359 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :01.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.MP(MD) No.3359 of 2025

in

CrI.A(MD) No.319 of 2025

Marisamy

... Petitioner

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
Sethur Police Station,
Rajapalayam,
Virudhunagar District.
Crime No.240 of 2021

... Respondent

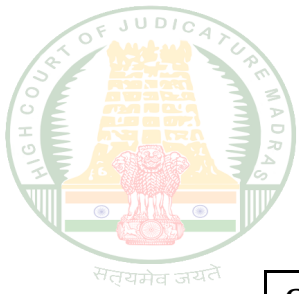
For Petitioner : Mr.T.Antony Arul Raj

For Respondent : Mr.A.S.Abdul Kalam Azad

Government Advocate (CrI Side)

ORDER

The petitioner, an accused in Spl.S.C.No.69 of 2021, on the file of the Sessions Court, Fast Track Mahila Court, Srivilliputhur, Virudhunagar District was found guilty by the trial Court and was convicted and sentenced as under:-



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Sl.No	Sections	Punishment	Fine amount	Default
1.	366 IPC	7 years Rigorous imprisonment	Rs.3,000/-	3 months simple imprisonment
2.	376(3) IPC	20 years Rigorous Imprisonment	Rs.10,000/-	One year rigorous imprisonment
3	5(1) r/w 6 of POCSO Act	20 years Rigorous Imprisonment	-	One year rigorous imprisonment

As against the conviction and sentence imposed by the trial Court, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.319 of 2025 and the same was admitted on 13.03.2025. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2.The learned counsel appearing for the petitioner submits that the victim and this petitioner are close relatives. The victim is his uncle's daughter. She had love affair with the petitioner and without knowing the consequences, they have eloped. He further submits that the petitioner is in jail from the date of conviction on 19.11.2024.



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3.The learned Government Advocate appearing for the respondent submits that at the time of occurrence, the victim was 14 years and the petitioner was 21 years old. Even before this occurrence, both of them have eloped and thereafter on the complaint of the victim girl's parents, she was found. Due to the conduct of this petitioner, the parents of the victim have shifted their residence from Rajapalayam to Sethur. Even then, he continued the relationship with the victim girl and exploited her. According to the learned Government Advocate, the charges as against this petitioner have been proved by the prosecution and therefore, this petition is liable to be dismissed. He further submits that if the petitioner is released on bail, he may involve in similar offence and he may disturb the victim girl.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The evidence of PW 1 and the statement of the victim girl recorded under Section 164 of Cr.P.C reveal that the victim had love affair with the petitioner and at the time of occurrence, she was 14 years old. On the complaint lodged by the parents of the victim, she was secured and sent to a Home, as she has refused to go along



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with her parents.

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6.The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal, however the appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioner, his period of incarceration and for the reasons that the appeal could not be taken up immediately, this Court is inclined to suspend the sentence imposed on this petitioner with certain conditions.

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following conditions:-

- i. The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Srivilliputhur.
- ii. The petitioner shall stay at Madurai and report before the Inspector of Police, Othakkadai Police Station daily at 10.30 a.m., until further orders.



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iii. The petitioner shall file an affidavit of undertaking before the respondent police as well as before the trial Court that he will not visit the place of occurrence and also the victim till the disposal of the appeal.

iv. On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the bail.

sd/-
01/04/2025

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01/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN

TO

1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, SRIVILLIPUTHUR.

2 THE INSPECTOR OF POLICE,
SETHUR POLICE STATION,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.



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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE INSPECTOR OF POLICE
OTHAKKADAI POLICE STATION, MADURAI.

+1 CC to M/s.M.JANANI PRIYA, Advocate (SR-3712[I] dated 01/04/2025)

ORDER
IN
CRL MP(MD) No.3359 of 2025
in
CrI.A(MD) No.319 of 2025
Date :01/04/2025

SS/SAR- /01/04/2025/ 6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023