



CRL MP(MD)No.2283 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 03.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRL MP(MD)No.2283 of 2025
in
CRL A(MD) No.236 of 2023

Manikandan

... Petitioner

Vs

The State of Tamil Nadu through
The Inspector of Police,
All Women Police Station - Palani
Dindigul District
(Crime No.1 of 2019)

... Respondent

Prayer : Petition filed under Section 430(1) of BNSS to suspend the sentence imposed against the petitioner in Spl.SC.No.37 of 2019, dated 09.02.2023 passed by the Mahila Court, Dindigul and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.G.Karuppasamypandiyan

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl Side)

ORDER

The petitioner / A1 accused in SplSC.No.37 of 2019 on the file of the Mahila Fast Track Court, Dindigul was found guilty, convicted and sentenced to undergo 7



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years rigorous imprisonment with a fine of Rs.5,000/-, in default, to undergo 6 months simple imprisonment for the offence under Section 366 of IPC, sentenced to undergo 2 years rigorous imprisonment with a fine of Rs.1,000/-, in default, to undergo 3 months simple imprisonment for the offence under Section 344 of IPC, sentenced to undergo 15 years rigorous imprisonment with a fine of Rs.10,000/-, in default, to undergo 6 months simple imprisonment for the offence under Section 6 of the POCSO Act. As against the conviction, the petitioner has filed an appeal in CrIa (MD)No.236 of 2023 and notice has been ordered. Along with the appeal, the petitioner has earlier filed a petition in CRL MP(MD)No.4931 of 2023 to suspend the sentence and it was dismissed by order dated 29.08.2024. This is the second petition filed to suspend the sentence.

2.The learned counsel for the petitioner submits that it is a case of love affair between the petitioner and the victim. They both lived together nearly for a period of three months. During this period it is alleged that the petitioner had physical relationship with the victim girl. He further submits that the age of the victim girl has not been proved by the prosecution with sufficient evidence and documents. The victim girl in the statement recorded under Section 164 CrPC has not stated that there was any physical relationship. However during the course of trial, she has let in evidence contrary to the statement recorded under Section 164 CrPC. The trial Court



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has not taken all these aspects into consideration. The petitioner is in jail from 09.02.2023. Therefore, the learned Counsel prayed that the sentence imposed on the petitioner be suspended pending the criminal appeal.

3.The learned Government Advocate (Crl Side) submits that the prosecution has proved its case through the prosecution witnesses and the medical reports. The age of the victim girl has been proved. The trial Court has rightly found the petitioner guilty and imposed conviction on the petitioner. This Court has dismissed the earlier bail application considering the case of the petitioner in detail. There is no change in circumstance from the dismissal of the earlier petition. Therefore, he objects to suspend the sentence pending the appeal.

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

5.Considering the period of incarceration of the petitioner, the petitioner is having some arguable points in the main appeal and though the earlier petition to suspend the sentence was dismissed as early as on 29.08.2024, the appeal could not be taken up for final disposal so far, this Court is inclined to suspend the sentence pending the criminal appeal.

6. Accordingly this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the



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petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/-
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(Rupees Twenty Five Thousand only) with two sureties each for a like sum to the
satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Dindigul and the
petitioner shall stay at Coimbatore and report before C1 Katoor Police Station,
Coimbatore daily at 10.30 am.

sd/-
03/03/2025

/ TRUE COPY /

07/03/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK

TO

1 THE SESSIONS JUDGE,
FAST TRACK MAHILA JUDGE, DINDIGUL.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION - PALANI,
DINDIGUL DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

COPY TO

THE INSPECTOR OF POLICE,
C1 KATOOR POLICE STATION, COIMBATORE.

<https://www.mhc.tn.gov.in/judis>



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+1 CC to M/s.G.KARUPPASAMY PANDIYAN, Advocate (SR-2368[I] dated 04/03/2025)

ORDER
IN
CRL MP(MD)No.2283 of 2025
in
CRL A(MD) No.236 of 2023
Date :03/03/2025

RS/IT/SAR-(07.03.2025) 5P 7C
Madurai Bench of Madras High Court is issuing
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