



Crl.M.P.(MD)No.4094 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.4094 of 2025

in Crl.A.(MD)No.391 of 2025

Ajith,
S/o.Mohandhass,
Komanampatti,
Sathampadi Post,
Natham Taluk,
Dindigul District.

Petitioner(s)

versus

State of Tamil Nadu through
The Inspector of Police,
Natham Police Station,
Dindigul District.

Respondent(s)

For Petitioner(s):

Mr.K.Sathish Kumar
Advocate

For Respondent(s):

Mr.A.S.Abul Kalam Azad
Government Advocate (Crl. Side)

ORDER

The petitioner is the sole accused in Spl.S.C.No.11 of 2024 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul. After the trial, the trial Court, by its Judgment dated 29.11.2024, found the petitioner guilty for

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



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the offence under Section 366 IPC and Section 4 of POCSO Act and convicted and sentenced him as follows:

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(i) for the offence under Section 366 IPC, to undergo 3 years rigorous imprisonment and to pay a fine of Rs.5,000/-, with the default sentence of six months simple imprisonment.

(ii) for the offence under Section 4 of POCSO Act, to undergo 10 years rigorous imprisonment and to pay a fine of Rs.50,000/-, with the default sentence of one year simple imprisonment.

Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.391 of 2025. The Criminal Appeal was admitted by this Court on 26.03.2025. The petitioner has also moved this petition to suspend the sentence imposed by the trial Court.

2. The learned counsel appearing for the petitioner submits that the petitioner had love affair with the victim girl and had sexual relationship by promising to marry her. Due to love affair, the petitioner had committed the offence, without knowing the consequences. Since the petitioner is in jail from the date of Judgment, i.e. from 29.11.2024, he seeks to suspend the sentence imposed by the trial Court.



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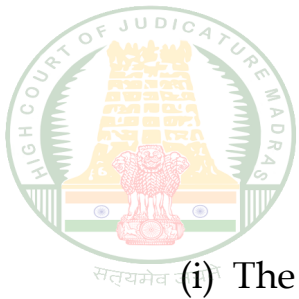
3. The learned Government Advocate (Crl. Side) submits that at the time of occurrence, the age of the victim girl was 15 years and the petitioner was 22 years. The petitioner had sexual intercourse with the victim girl, by promising to marry her. Therefore, the petitioner was convicted and sentenced by the trial Court as stated supra.

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

5. In the statement recorded under Section 164 Cr.P.C., the victim girl stated that she had love affair with the petitioner and without knowing the consequences, they had sexual intercourse.

6. Considering the statement of the victim girl, the period of incarceration and for the reasons that the appeal could not be taken up immediately, this Court is inclined to allow this petition.

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:



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(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul;

(ii) The petitioner shall stay at Virudhunagar and appear before the Inspector of Police, Virudhunagr West Police Station, Virudhunagar District, daily at 10.30 a.m. till the disposal of the appeal.

(iii) The petitioner shall file an undertaking affidavit before the trial Court as well as before the respondent Police that he will not visit the village of the victim girl and not disturb the victim girl till the disposal of the appeal.

sd/-
01/04/2025

/ TRUE COPY /

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

OGY
TO

1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
DINDIGUL.

2 THE INSPECTOR OF POLICE
NATHAM POLICE STATION,
DINDIGUL DISTRICT.

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



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3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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

COPY TO

THE INSPECTOR OF POLICE
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT.

+1 CC to M/s.K.SATHISHKUMAR, Advocate (SR-3713[I] dated 01/04/2025)

ORDER
IN

CRL MP(MD) No.4094 of 2025
in CRL.A.(MD)No.391 of 2025

Date :01/04/2025

HPS/SAR / 01.04.2025/5P/7C

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