



CRL.MP(MD).No.4361 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 26.02.2025

CORAM:

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL.MP(MD).No.4361 of 2024

in

CRL A (MD).No.183 of 2024

Madhavan

.. Appellant/Sole Accused

Vs.

The State of Tamil Nadu
rep. by The Inspector of Police,
Maniyachi Police Station,
Thoothukudi District.
(Crime No.58/2020)

.. Respondent/Complainant

Prayer: This Criminal Miscellaneous Petition is filed to suspend the sentence imposed against the appellant in Spl.SC.No.13/2021 on the file of the learned Sessions Judge, Mahalir Neethimandram/Additional POCSO Court, Thoothukudi dated 27.04.2023 and release him on bail till the disposal of the main appeal.



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

ORDER

The petitioner was found guilty by the Sessions Judge, Mahalir Neethimandram/Additional POCSO Court, Thoothukudi and convicted in Spl.SC.No.13/2021, and sentenced to undergo 7 years rigorous imprisonment and to pay a fine of Rs.1000/- for the offence under Section 366A of IPC, and further sentenced to undergo 20 years rigorous imprisonment and to pay a fine of Rs.1,000/- for the offence under Section 3 read with 4 (2) of the Protection of Children from Sexual Offences Act, 2012 with default clauses.

2. The case of the prosecution is that the petitioner on 12.11.2022 by giving a false promise that he would marry the victim girl, took the victim girl to his aunt's house and had intercourse with the victim minor girl.



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3. As against the conviction, the petitioner has filed an appeal before this Court in CRL A (MD).No.183 of 2024 and the same was admitted by this Court. The petitioner has also filed this miscellaneous petition to suspend the sentence as against him.

4. The learned counsel for the petitioner submits that the petitioner without knowing the age of the victim has developed a love affair and even, according to the victim girl, they developed love affair through Instagram and they eloped at the instigation of the victim girl. He further submits that he is in jail from the date of conviction on 27.04.2023.

5. Heard the learned Government Advocate (Crl. Side), who would submit that the victim girl is aged about 15 years. The petitioner through instagram had developed an affair with the victim girl, abducted her and also had physical relationship in his relative's house. He further submitted that the Trial Court considering the evidence produced by the prosecution has found that the petitioner guilty and convicted as stated *supra*.



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

7. Even according to the prosecution, the age of the petitioner at the time of occurrence, was only 19 years. As per the statement of the victim, they had a friendship thorough Instagram, which was objected by her mother and she along with the petitioner went to her relative's house and they stayed nearly for three (3) days in his relative's house, where, the petitioner said to have physical relationship with her. The petitioner is in jail from 27.04.2023. The petitioner has made out certain arguable points. However appeal could not be taken for final hearing in the near future.

8. Considering the period of incarceration and considering that the petitioner is having some arguable points in the main appeal and it could not be taken for final disposal immediately, this Court is inclined to suspend the sentence imposed on the petitioner.



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9. Accordingly, this petition is allowed and 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 executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram/Additional POCSO Court, Thoothukudi and on further condition that the petitioner shall appear before the said Court on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.

26.02.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes
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To

1. The Sessions Judge, Mahalir Neethimandram/
Additional POCSO Court,
Thoothukudi.
2. The Inspector of Police,
Maniyachi Police Station,
Thoothukudi District.
3. The Superintendent,
Central Prison,
Trichy.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.



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B.PUGALENDHI, J.

nst

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