



Crl.M.P.(MD)No.3776 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.3776 of 2025

in Crl.A.(MD)No.136 of 2025

Vigneshkumar,
S/o.Selvaraj,
No.20/24, Mallanampatty,
Nilakottai Taluk,
Dindigul District.

Petitioner(s)

versus

State through the Inspector of Police,
Vaththalagundu Police Station,
Dindigul District.

Respondent(s)

For Petitioner(s):

Mr.K.Thenrajan
Advocate

For Respondent(s):

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



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ORDER

The petitioner is the 1st accused in Spl.S.C.No.12 of 2024 on the file of the learned Sessions Judge, Mahalir Fast Track Court, Dindigul. After the trial, the trial Court, by its Judgment dated 16.10.2024, found the petitioner guilty for the offence under Section 366 IPC and Section 6 of POCSO Act and convicted and sentenced him as under:

Sl. No.	Section of Law	Sentence of Imprisonment and fine
1.	u/s. 366 IPC	To undergo 7 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo six months simple imprisonment
2.	u/s. 6 of POCSO Act	To undergo 20 years rigorous imprisonment and to pay a fine of Rs.15,000/- in default to undergo six months simple imprisonment

Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.136 of 2025 and the same was admitted by this Court on 04.02.2025. The petitioner has also moved this petition to suspend the sentence imposed on him by the trial Court.

2. The learned counsel appearing for the petitioner submits that the petitioner is studying B.Tech. (IT) in PSNA Engineering College, Dindigul and through instagram, he had friendship with the victim girl and thereafter, they loved each other. The victim girl is also studying in a College at Dindigul. Their love affair was



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intimated by her friends to the Professor of the College, who in turn, informed the same to the victim's parents. Afraid of that, the victim girl wrote a letter and eloped with the petitioner. Thereafter, they went to Tiruppur and various other places. Later, they were secured by the respondent Police. According to him, the petitioner, without knowing the consequences, eloped with the victim girl, apprehending that they will not be permitted to meet again by their parents. He further submits that the petitioner is ready to marry the victim girl and his parents are also ready to accept the victim girl as their daughter-in-law. However, the parents of the victim girl are not inclined to accept the same.

3. The learned counsel for the petitioner further submits that the petitioner is the first person from his family to enter into the Engineering College and without knowing the consequences, he has committed this offence. Since the petitioner is in jail from the date of Judgment, i.e. from 16.10.2024, his education would be affected. Therefore, he seeks for suspending the sentence.

4. The learned Government Advocate (Crl. Side) submits that the victim girl was aged about 17 years at the time of occurrence. The petitioner had taken the victim girl to various places and also had physical relationship with her. He further submits that there is no possibility of any marriage between the petitioner and the victim girl, as they belong to different community. The learned Government



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Advocate has also relied on the evidence of Doctor and submits that the victim girl was also subjected for sexual intercourse. Therefore, he strongly opposed for suspending the sentence.

5. This Court considered the rival submissions and perused the materials placed on record.

6. At the time of occurrence, the petitioner was aged about 20 years and the victim girl was aged about 17 years. The scientific advancement, such as, instagram and other social media enabled them to contact and develop friendship, which resulted in love affair. A perusal of the statement of the victim girl recorded under Section 164 Cr.P.C. reveals that their friendship was informed by her friend to the Professor, who in turn, informed the same to her parents. Apprehending that they will not permit her to meet the petitioner again, she wrote a letter and eloped with the petitioner. It is reported that the petitioner is studying B.Tech (IT) in PSNA Engineering College, Dindigul.

7. Considering the statement of the victim girl and also considering the submission of the learned counsel for the petitioner that the petitioner is studying B.Tech (IT) in PSNA Engineering College and he is the first person from his family to enter into the Engineering College and since he is in jail from the date of Judgment, i.e. from 16.10.2024, his education would be affected, this Court is



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inclined to suspend the sentence.

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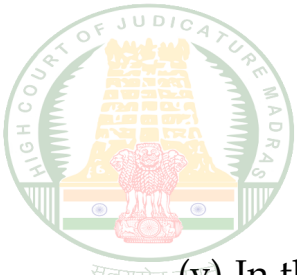
8. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Fast Track Court, Dindigul;

(ii) The petitioner shall appear before the Trial Court once in a month, i.e. on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.

(iii) The petitioner shall stay in the College Hostel and he shall not leave the college campus without the permission of the Principal of College.

(iv) The petitioner shall not make any attempt to meet the victim girl in any form through instagram and any social media, etc., till the disposal of the appeal.



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(v) In the event, if the petitioner makes any such attempt to disturb the victim girl by taking advantage of the liberty given to him, the respondent Police is permitted to move an application for cancellation of bail.

sd/-
25/03/2025

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/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1 THE SESSIONS JUDGE,
MAHALIR FAST TRACK COURT, DINDIGUL.

2. The Superintendent,
Central Prison, Madurai.

3. The Inspector of Police,
Vaththalagundu Police Station,
Dindigul District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,

<https://www.mhjudis.org>



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COPY TO:

The Principal, PSNA Engineering College, Dindigul

+1 CC to M/s.K.THENRAJAN, Advocate (SR-3426[I] dated 25/03/2025)

ORDER
IN

Crl.M.P.(MD)No.3776 of 2025
in Crl.A.(MD)No.136 of 2025
Date :25/03/2025

MK/SAR /25.03.2025 7P/7C

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