



CrI.MP(MD) No.3969 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.MP(MD) No.3969 of 2025

in

CrI.A(MD) No.380 of 2025

Manoharan

... Petitioner

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
Kumuli Police Station,
Theni District.
Crime No.83 of 2023

... Respondent

For Petitioner : Mr.S.Vijayakumar
For Respondent : Mr.A.S.Abdul Kalam Azad
Government Advocate

ORDER

The petitioner, an accused in Spl.SC.No.7 of 2024, on the file of the Special Court for Exclusive trial of Cases under POCSO Act, 2012, Theni was found guilty by the trial Court and was convicted for the offence under Section 12 of the POCSO Act, 2019 and sentenced to undergo one year rigorous imprisonment with fine of



Crl.MP(MD) No.3969 of 2025

Rs.2,000/- and default sentence of two months simple imprisonment was also imposed. As against the conviction and sentence imposed by the trial Court in Spl.SC.No.7 of 2024, dated 16.12.2024, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.380 of 2025 and the same is admitted by this Court today. 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 allegation as against this petitioner is that he has invited the victim to the Noon Meal Centre, by offering Rs.100/- and he has not caused any harassment to the victim. He further submits that the petitioner was in jail for a period of four months during the trial and after conviction, he is in jail for a period of one month. According to the learned counsel, the sentence imposed on the petitioner itself is one year and half of the sentence has already been suffered by the petitioner.

3.The learned Government Advocate appearing for the respondent submits that at the time of occurrence the victim was only 6 years old and this petitioner was 65 years. He admits that the petitioner has already undergone half of the sentence.

4.Considering that the petitioner has raised certain arguable points, which can



CrI.MP(MD) No.3969 of 2025

be considered only during the final hearing of the appeal, however the appeal could not be taken up for final hearing immediately, for want of time, considering that the petitioner has already suffered half of the sentence, this Court is inclined to suspend the sentence imposed on the petitioner with certain conditions.

5. 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 only) with two sureties each for a like sum to the satisfaction of the Principal Special Court for exclusive trial of cases under POCSO Act, Theni.
- ii. The petitioner shall stay at Pollachi and report before the Inspector of Police, Pollachi Town Police Station daily at 10.30 a.m., till the disposal of the appeal.
- 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.



CrI.MP(MD) No.3969 of 2025

WEB COPY

iv. In the event, if the petitioner has violated any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

sd/-
25/03/2025

/ TRUE COPY /

25 /03/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN

TO

1 THE PRINCIPAL SPECIAL JUDGE
FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
THENI.

2 THE INSPECTOR OF POLICE,
KUMULI POLICE STATION,
THENI 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
POLLACHI TOWN POLICE STATION, POLLACHI.



WEB COPY



CrI.MP(MD) No.3969 of 2025

ORDER
IN
CRL MP(MD) No.3969 of 2025
in
CrI.A(MD) No.380 of 2025
Date :25/03/2025

SS/SAR- /25/03/2025/ 5P/6C

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