



CrI.M.P.(MD)No.4006 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CrI.M.P.(MD)No.4006 of 2025

in CrI.A.(MD)No.332 of 2021

Manikandan,
S/o.Durairaj,
1/25, New Street,
Kumaravayaloor,
Somarasampettai,
Trichy.

Petitioner(s)

versus

The State rep. by
The Inspector of Police,
All Women Police Station,
Jeeyapuram,
Trichy.

Respondent(s)

For Petitioner(s):

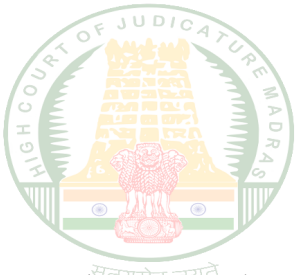
Mr.E.Somasundaram,
Advocate

For Respondent(s):

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

ORDER

The petitioner is the sole accused in Spl.S.C.No.10 of 2019 on the file of the learned Sessions Judge, Mahila Court, Tiruchirappalli. After the trial, the trial Court,



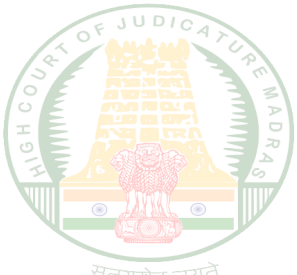
Crl.M.P.(MD)No.4006 of 2025

by its Judgment dated 01.04.2021, found the petitioner guilty for the offence under Section 5(j)(ii) r/w. 6 of POCSO Act and convicted and sentenced to undergo 10 years rigorous imprisonment and to pay a fine of Rs.2,000/- 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.332 of 2021 and the same was admitted by this Court on 06.08.2021.

2. This is the 5th petition filed by the petitioner to suspend the sentence imposed by the trial Court. Considering the nature of offence, all the four petitions filed by the petitioner were dismissed by this Court.

3. The case of the prosecution is that the petitioner had sexual intercourse with the minor victim girl for several times, by promising to marry her and also made her pregnant. The victim girl also delivered a baby.

4. The learned counsel appearing for the petitioner submitted that the prosecution has not proved the age of the victim, even then, the petitioner was found guilty and convicted and sentenced as stated supra. Further, the petitioner is in jail for the past four years. Therefore, he seeks to suspend the sentence imposed by the



Crl.M.P.(MD)No.4006 of 2025

trial Court. The learned counsel further submitted that the petitioner is prepared to
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marry the victim girl, if she is willing to marry him.

5. Considering the submissions made by the learned counsel appearing for the petitioner and since the victim girl is also having a child on account of love affair, this Court has verified through the learned Government Advocate (Crl. Side) as to the possibility of marriage between the petitioner and the victim girl.

6. The learned Government Advocate (Crl. Side) submits that the victim girl has married another person and she is having children and she is also leading a peaceful life.

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

8. The petitioner was charged for the offence under Section 5(j)(ii) r/w. 6 of POCSO Act by treating the age of victim girl as below 18 years. But, the prosecution has not produced any document to prove the age of the victim girl before the trial Court. This ground can be addressed only in the final hearing. Despite the earlier petitions filed by the petitioners having been rejected by this Court, the criminal appeal has not been taken up for final hearing for want of time.



Crl.M.P.(MD)No.4006 of 2025

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9. Considering the points raised by the petitioner, his period of incarceration and for the reason that the appeal could not be taken up immediately, this Court is inclined to allow this petition.

10. 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 learned Special Judge (Mahila Court), Tiruchirappalli;

(ii) The petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

(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

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

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



Crl.M.P.(MD)No.4006 of 2025

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- TO
- 1 THE SPECIAL JUDGE
(MAHILA COURT), TIRUCHIRAPPALLI.
 - 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
JEEYAPURAM,
TRICHY.
 - 3 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.E.SOMASUNDARAM, Advocate (SR-3715[I] dated 01/04/2025)

ORDER
IN
CRL MP(MD) No.4006 of 2025
in Crl.A.(MD)No.332 of 2021
Date :01/04/2025

SS/SAR- /01/04/2025/ 5P/6C

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