



Crl.MP(MD) No.4567 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.4567 of 2025
in Crl.A(MD) No.267 of 2022

Nagarajan

... Petitioner

Vs.

State of Tamil Nadu
Represented by
the Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai City.
[Crime No.9 of 2018]

... Respondent

Prayer: Petition filed under Section 430 (1) of BNSS to grant interim suspense of sentence imposed by the Principal Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Madurai in Spl.SC.No.05 of 2019, dated 21.02.2022 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.N.Anandha Padmanaban Senior Counsel
for Mr.PR.Prithivraj

For Respondent : Mr.P.Kottaichamay,
Government Advocate (Crl Side)

ORDER

The petitioner is an accused in Spl.SC.No.05 of 2019. He has been tried by the

Principal Special Court for Exclusive Trial of Cases under the POCSO Act, Madurai,

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



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has been convicted and sentenced to undergo 20 years rigorous imprisonment with a fine of Rs.5000/- in default to undergo 1 year rigorous imprisonment for the offence under Sections 5(m), 5(l), 5(i) and Section 6 of the POCSO Act. As against the conviction and the sentence imposed by the trial Court, this petitioner has filed an appeal before this Court in Crl.A(MD) No.267 of 2022 and the same has been admitted by this Court. Along with the appeal the petitioner has already filed CrlMP(MD)No.13634 of 2022 seeking suspension of sentence and the same was dismissed by this Court by order dated 25.11.2022. However considering the medical records submitted by the petitioner that he required open heart surgery, this Court by its order dated 25.11.2022 has granted interim bail by suspending the sentence for a period of one month and by obtaining this interim order, it appears that the petitioner has undergone open heart surgery. The second application filed by the petitioner for suspending the sentence in CrlMP(MD)No.2326 of 2025 was dismissed by this Court by order dated 07.03.2025. Thereafter this application has been filed on the very same medical ground that this petitioner needs immediate medical treatment..

2.The learned Senior Counsel appearing for the petitioner submits that the petitioner is having a hole in his heart and it was patched by an open heart surgery earlier. However it is not fully cured and he is having other complications and



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therefore, he requires immediate proper medical treatment and if any other procedure as suggested by the doctors. In support of this application, the petitioner has also produced reports of the Government Rajaji Hospital, Madurai and submits that the size of the hole in the heart is 26 mm and he has also complained of chest pain on 2.08.2024. The learned Senior Counsel further submits that he was not attended properly by the Government Doctors and therefore, he requires proper treatment, if not, it will lead to serious health consequences.

3.Since this application is filed on medical grounds seeking interim bail by suspending the sentence, this Court by order dated 08.04.2025 directed the Government Advocate to get instructions from the Government Hospital attached to the Central Prison as to the condition of the petitioner and any urgent treatment is required as projected by the petitioner.

4.The learned Government Advocate has expressed difficulties in getting the report from the hospital as required by this Court.

5.The petitioner is confined in Central Prison, Madurai. It is not known why the Doctors have failed to furnish the report as required by this Court. The petitioner has produced some medical records that he has already undergone an open heart surgery and he is having a 26 mm hole in the heart and he has also complained of chest pain on 02.08.2024.



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6.Considering the submission and the documents placed this Court is inclined to grant interim bail by suspending the sentence for a period of 45 days commencing from 23.04.2025 upto 06.06.2025. Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending disposal of the criminal appeal.

(i) The petitioner is ordered to be enlarged on bail on executing a bond for Rs.1,00,000/- (Rupees One Lakh) with two sureties each for a like sum, to the satisfaction of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai. Of the two sureties, one must be a respectable person in the locality.

(ii) The petitioner shall report before the respondent police on alternate days at 10.30am, except during the surgery / procedure, if any, the petitioner undergoes.

(iii) The petitioner shall surrender on 07.06.2025.

sd/-
17/04/2025

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/04/2025
Sub-Assistant Registrar (Vigilance)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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To

- 1.The Judge,
Principal Special Court for the Exclusive
Trial of Cases under POCSO Act,
Madurai.
- 2.The Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai City.
- 3.The Superintendent,
Central Prison,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

+1 CC to M/s.P.R.PRITHIVIRAJ, Advocate (SR-4448[I] dated 21/04/2025)

ORDER
IN

Crl.MP(MD) No.4567 of 2025
in Crl.A(MD) No.267 of 2022

Date :17/04/2025

MK/SAR /21.04.2025 5P/6C

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