



Crl.M.P.(MD)No.4182 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2025

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.4182 of 2025

in Crl.A.(MD)No.398 of 2025

Saravanan,
S/o.Muthappan,
128/398, College Road,
K.S.R. Tower Opposite,
Hostel Stop,
Tiruppur.

Petitioner(s)

versus

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thallakulam (L & O) Police Station,
Madurai.

Respondent(s)

For Petitioner(s):

Mr.R.Manickaraj
Advocate

For Respondent(s):

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

ORDER

The petitioner is the sole accused in Spl.S.C.No.99 of 2018 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai.

After the trial, the trial Court, by its Judgment dated 05.03.2025, found the petitioner



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guilty for the offence under Section 366 IPC and Section 5(l) r/w. 6 of POCSO Act and convicted and sentenced him as follows:

(i) for the offence under Section 366 IPC, to undergo 5 years rigorous imprisonment and to pay a fine of Rs.5,000/-, with the default sentence of one year simple imprisonment.

(ii) for the offence under Section 5(l) r/w. 6 of POCSO Act, to undergo 10 years rigorous imprisonment and to pay a fine of Rs.25,000/-, with the default sentence of two years simple imprisonment.

Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.398 of 2025. The Criminal Appeal was admitted by this Court on 28.03.2025. The petitioner has also moved this petition to suspend the sentence imposed by the trial Court.

2. The learned counsel appearing for the petitioner submits that the petitioner had love affair with the victim girl and had physical relationship with her. Due to love affair, the petitioner had committed the offence, without knowing the consequences. Since the petitioner is in jail for the past two years, he seeks to suspend the sentence imposed by the trial Court.



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3. The learned Government Advocate (Crl. Side) submits that at the time of occurrence, the age of the victim girl was 15 years. The petitioner had sexual intercourse with the victim girl, by promising to marry her. Therefore, the petitioner was convicted and sentenced by the trial Court as stated supra.

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

5. In the statement of the victim girl recorded under Section 164 Cr.P.C., she stated that she had love affair with the petitioner and she voluntarily went along with the petitioner and they had physical relationship without knowing the consequences.

6. Considering the statement of the victim girl, the period of incarceration and for the reasons that the appeal could not be taken up immediately, this Court is inclined to allow this petition.

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged



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on bail on the following conditions:

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

(ii) The petitioner shall stay in Coimbatore and appear before the Inspector of Police, KG Chavadi Police Station, Coimbatore, daily at 10.30 a.m. till the disposal of the appeal.

(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 disturb the victim girl till the disposal of the appeal.

sd/-
01/04/2025

/ TRUE COPY /

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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TO

1 THE PRINCIPAL SPECIAL COURT
FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,

MADURAI

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



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2 THE INSPECTOR OF POLICE
THALLAKULAM (L AND O) POLICE STATION,
MADURAI.

3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE
KG CHAVADI POLICE STATION, COIMBATORE.

+1 CC to M/s.R.MANICKARAJ, Advocate (SR-3701[I] dated 01/04/2025)

ORDER
IN

CRL MP(MD) No.4182 of 2025
in CRL.A.(MD)No.398 of 2025

Date :01/04/2025

HPS/SAR / 01.04.2025/5P/7C

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