



Crl.MP(MD) No.4706 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.4706 of 2025

in

Crl.A(MD) No.428 of 2025

Sasikumar @ Sasi

... Petitioner

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
Taluk Police Station,
Dindigul,
Dindigul District.

... Respondent

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondent : Mr.A.S.Abulkalam Azad
Government Advocate

ORDER

The petitioner, an accused in Spl.SC.No.32 of 2023 was tried by the learned Sessions Judge, Fast Track Mahila Court, Dindigul and he was found guilty by the trial Court, convicted and sentenced as under:-



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Sl.No	Sections	Punishment	Fine amount	Default
1	363 IPC	5 years Rigorous imprisonment	Rs.5,000/-	6 months simple imprisonment
2	6 of POCSO Act	20 years Rigorous imprisonment	Rs.10,000/-	6 months simple imprisonment

As against the conviction and sentence imposed by the trial Court in Spl.SC.No.32 of 2023, dated 06.12.2024, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.428 of 2025 and the same was admitted by this Court on 08.04.2025. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2.The case of the prosecution is that this petitioner has taken the victim girl, who was aged about 17 years and 8 months to various places and also had physical relationship. Therefore, he was prosecuted and convicted as state supra.

3.The learned counsel for the petitioner by relying upon the evidence of PW 3/victim submits that it is on account of a love affair and on the objections of their parents, since the petitioner and the victim belong to different community, they have eloped, without realising the consequences. He further submits that the petitioner is in jail from 06.12.2024.

4.The learned Government Advocate appearing for the respondent submits that at the time of occurrence the age of the victim was 17 years and 3 months. She was



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pregnant and she got aborted. It is reported that DNA test was not conducted properly.

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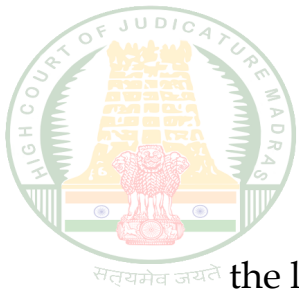
5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The evidence of PW 3/victim reveals that both the petitioner and the victim belong to different community. They loved each other and without realizing the consequences and since there was some opposition from their parents, they eloped, married and lived together for 2 ½ months.

7.The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioner, his period of incarceration and for the reasons that the appeal could not be taken up immediately, this Court is inclined to suspend the sentence imposed on the petitioner with certain conditions.

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 a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of



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- the learned Sessions Judge, Fast Track Mahila Court, Dindigul.
- ii. The petitioner shall file an undertaking affidavit before the respondent police that he will not misuse the liberty granted to him and he will not disturb the victim child at any point of time.
- iii. The petitioner shall stay at Tiruppur and report before the Inspector of Police, Tiruppur North Police Station, daily at 10.30 a.m., till the disposal of the appeal.
- 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.

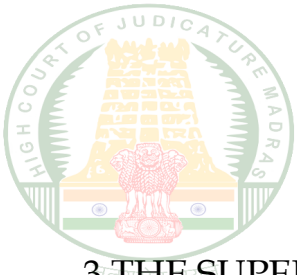
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25/04/2025

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25/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN
TO
1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, DINDIGUL.

2 THE INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION
TIRUPPUR.



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3 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

4 THE INSPECTOR OF POLICE,
TALUK POLICE STATION,
DINDIGUL,
DINDIGUL DISTRICT.

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

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-4903[I] dated 28/04/2025)

ORDER
IN
Crl.MP(MD) No.4706 of 2025
in
Crl.A(MD) No.428 of 2025
Date :25/04/2025

SA/SAR. /28.04.2025/5P/7C

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