

CrI.MP(MD) No.5369 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED :29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.MP(MD) No.5369 of 2025

in

CrI.A(MD) No.483 of 2025

Thangapandi

... Petitioner

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
Palani Taluk Police Station,
Dindigul District.
Crime No.852/2021

... Respondent

For Petitioner : Mr.SMA.Jinnah
For Respondent : Mr.A.S.Abul Kalam Azad
Government Advocate

ORDER

The petitioner, an accused in Spl.SC.No.153 of 2023, on the file of the Sessions Judge, (Fast Track Mahila Court), Dindigul was found guilty by the trial Court and was convicted and sentenced as under:-



WEB COPY

Sl.No	Sections	Punishment	Fine amount	Default
1	366 IPC	5 years Rigorous imprisonment	Rs.2,000/-	6 months simple imprisonment
2	Section 6 of POCSO Act, 2012	20 years Rigorous Imprisonment	Rs.3,000/-	6 months simple imprisonment

As against the conviction and sentence imposed by the trial Court in Spl.SC.No.153 of 2023, dated 05.09.2023, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.483 of 2025 and the same was admitted by this Court on 23.04.2025. 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 it is a case of love affair between the petitioner and the victim. Without realising the consequences, they have eloped and married, as the parents of the victim have not agreed for the marriage. On the complaint lodged by the victim girl's parents, this petitioner was prosecuted, considering that the age of the victim at that point of time was 17 years. According to him, the victim only compelled the petitioner to marry her.



Crl.MP(MD) No.5369 of 2025

WEB COPY

3.The learned Government Advocate appearing for the respondent submits that this petitioner has induced a minor girl, taken her and married and had also physical relationship with her. It is reported that the victim girl has now married another person and living in a different place.

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

5.Even according to the prosecution, the victim was 17 years old at the time of occurrence. The petitioner was 25 years old. Without knowing the consequences, they loved each other, got married. It is reported that on the compulsion of the victim alone, this petitioner has taken her and married her. Now it is also reported that the victim got married with another person and living in a different place. The petitioner has already undergone 3 years of imprisonment.

6.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

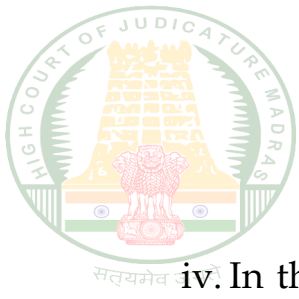


Crl.MP(MD) No.5369 of 2025

immediately, this Court is inclined to suspend the sentence imposed on the
WEB COPY
petitioner.

7. 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 Sessions Judge, (Fast Track Mahila Court), Dindigul.
- ii. The petitioner shall stay at Madurai and report before the Inspector of Police, Mattuthavani 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.



Crl.MP(MD) No.5369 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/-
29/04/2025

/ TRUE COPY /

30/04/2025
Sub-Assistant Registrar
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,
PALANI TALUK POLICE STATION,
DINDIGUL DISTRICT.
- 3.THE INSPECTOR OF POLICE,
MATTUTHAVANI POLICE STATION,
MADURAI.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.
5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. C.C. to SMA JINNAH Advocate SR.No.5283 (I) DT.30.04.2025



WEB COPY



Crl.MP(MD) No.5369 of 2025

ORDER
IN
Crl.MP(MD) No.5369 of 2025
in
Crl.A(MD) No.483 of 2025
Date :29/04/2025

PP/SAR. /30.04.2025/6P/7C

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