



Crl.MP(MD) No.5620 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.5620 of 2025

in

Crl.A(MD) No.503 of 2025

G.Solairaja

... Petitioner

Vs.

State of Tamil Nadu represented by
The Inspector of Police,
All Women Police Station,
Madurai City, Madurai.
[Crime No.19 of 2017]

... Respondent

Prayer: Petition filed under Section 430 (1) of BNSS to suspend the sentence imposed on the petitioner by the Sessions Judge, Principal Special Court for Exclusive Trial of Cases under Section POCSO Act, 2012, Madurai in SplSC.No.54 of 2017 dated 18.03.2024 and enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.R.Selvaraj

For Respondent : Mr.A.S.Abul Kalam Azad

Government Advocate

ORDER

The petitioner / sole accused was tried in SplSC.No.54 of 2017 by Sessions Judge, the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai, convicted and sentence to undergo 10 years rigorous imprisonment with a fine of Rs.25,000/- in default to undergo 1 year simple imprisonment for the offence



Crl.MP(MD) No.5620 of 2025

WEB COPY

under Section 5(l) of the POCSO Act; sentenced to undergo 2 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo 3 months simple imprisonment for the offence under Section 506(i) IPC and sentenced to undergo 10 years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default to undergo 1 year simple imprisonment for the offence under Section 366 IPC. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in Crl A(MD)No.503 of 2025 along with this petition to suspend the sentence imposed on him by the trial court. The appeal has been admitted by this Court.

2.The learned counsel appearing for the petitioner submits that the petitioner has proposed to marry the victim girl, however, it was refused and this false complaint has been filed. As per the evidence of the doctor, the age of the victim is between 18 and 21 at the time of occurrence. According to the prosecution case the alleged occurrence had taken place on 13.08.2020. There is no external injury. There are several contradictions in the statement of PW1 before the police and the doctor. The parents of the victim has not lodged any complaint for missing of their daughter. The place of occurrence has not been proved by the prosecution. Even prior to this alleged offence, on 12.08.2020 the defacto complainant and others attacked this petitioner with dire consequences and in this regard a case is registered in Crime No.1054 of 2020. He is in prison for 410 days. Therefore, the learned Counsel prayed



Crl.MP(MD) No.5620 of 2025

that the petitioner be enlarged on bail.

WEB COPY

3.The learned Government Advocate appearing for the respondent submits that the victim was aged about 17 years and 3 months. The petitioner by threatening the victim girl asked her to come to Tiruppur and had physical relationship with her for three days. The prosecution has proved its case beyond reasonable doubt. The trial court has considered the prosecution witnesses and the documents and rightly convicted the petitioner.

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

5.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 and for the reason that the appeal could not be taken up immediately and the petitioner's period of incarceration, this Court is inclined to allow this petition.

6. Accordingly this petition is allowed and 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 executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Sessions Judge, Principal Special Court for Exclusive Trial of Cases



Crl.MP(MD) No.5620 of 2025

under Section POCSO Act, 2012, Madurai. The petitioner shall report before the
WEB COPY
Tiruppur South Police Station daily at 10.30 am.

sd/-
30/04/2025

/ TRUE COPY /

30/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK

TO

1 THE SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER SECTION POCSO ACT, 2012,
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADURAI CITY, MADURAI.

4 THE INSPECTOR OF POLICE,
TIRUPPUR SOUTH POLICE STATION,
TIRUPPUR.

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



WEB COPY



CrI.MP(MD) No.5620 of 2025

ORDER
IN
CrI.MP(MD) No.5620 of 2025
in
CrI.A(MD) No.503 of 2025
Date :30/04/2025

SA/SAR. /30.04.2025/5P/6C

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