



Crl.MP(MD) No.5747 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED :29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.5747 of 2025

in

Crl.A(MD) No.919 of 2024

1.Sankar

2.Mariyappan

... Petitioners

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station,
Ambasamudram,
Tirunelveli District.
Crime No.1 of 2020

... Respondent

For Petitioners : Mr.M.Ramanathan

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

ORDER

The petitioners/A1 & A2 in Spl.Case No.83 of 2020 were tried by the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli District and they were found guilty by the trial Court, convicted and sentenced as under:-



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Sl.No	Sections	Punishment	Fine amount	Default
1	366 IPC	5 years Rigorous imprisonment	Rs.5,000/-	6 months rigorous imprisonment
2	Section 5(g) r/w 6 of POCSO Act	20 years Rigorous imprisonment	Rs.5,000/-	1 year rigorous imprisonment

As against the conviction and sentence imposed by the trial Court in Spl.Case No.83 of 2020, dated 28.08.2024, the petitioners have filed a Criminal Appeal in Crl.A(MD) No.919 of 2024 and the same was admitted by this Court on 04.11.2024. Along with the appeal, the petitioners have moved this application to suspend the sentence imposed on them by the trial Court.

2.The case of the prosecution is that these petitioners have taken the victim child, who was aged about 14 years to Thamirabarani river bed and sexually assaulted her, when she was under the care of her grandmother.

3.The learned counsel appearing for the petitioner submits that A2 had love affair with the victim girl. A1 was said to have accompanied A2, when A2 has taken the victim child to the river bed. Therefore, the complaint was lodged as against both the accused. Since A2 and victim were in love affair, he has married the victim girl



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during the course of trial. This fact has also been placed before the trial Court, however, without considering the same, the trial Court convicted and sentenced them as stated supra.

4.The learned Government Advocate appearing for the respondent submits that the victim girl was aged about 14 years at the time of occurrence. The first petitioner was 31 years and the second petitioner was 28 years old. In fact, the complaint was lodged by the Senior Consultant of Social Welfare Department. Though the learned Government Advocate opposes for grant of suspension of sentence, he has admitted that during the course of trial, A2 had married the victim child, after she attains major.

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

6.It appears that without knowing the consequences, A2 had love affair with the victim girl and during the trial, he married her. According to A2, A1 has not committed any offence and he has accompanied A2. They are in jail from 28.08.2024. Prosecution itself has been launched by the police, on behalf of the victim child. Now, it is reported that A2 married the victim, after she attained major.

7.In view of the above, considering the points raised by the petitioners, their period of incarceration and for the reasons that the appeal could not be taken up



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immediately, this Court is inclined to allow this petition with certain conditions.

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8. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioners are ordered to be enlarged on bail on the following conditions:-

- i. The petitioners 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 the Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli District. One surety must be the victim girl.
- ii. The petitioners along with the victim girl have to appear before the respondent police and file an affidavit of undertaking that A2 is treating the victim child properly. A1 and victim child shall also file an affidavit to that effect.
- iii. The petitioners shall report before the respondent police daily at 10.30 a.m., till the disposal of the appeal.



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iv. On violation of any of the above conditions by the petitioners, the respondent police shall move an application for cancellation of the bail.

sd/-
29/04/2025

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

vrn

To

- 1.THE SPECIAL COURT FOR POCSO ACT CASES, TIRUNELVELI DISTRICT
 - 2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AMBASAMUDRAM,
TIRUNELVELI DISTRICT.
 - 3.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. C.C. to M/S. RAMANATHAN.M Advocate SR.No.5086(I) DT.30.04.2025



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ORDER IN
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Date :29/04/2025

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

Madurai Bench of Madras High Court is issuing certified copies in this format from
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