



CRL MP(MD) NO. 6455 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09-05-2025

CORAM

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CRL MP(MD) NO. 6455 of 2025

IN

CRL A(MD) NO. 567 OF 2025

N.Sibiraja
S/o. Nagarajan, Kallar Road, Azhagarsampuram,
Vadakarai, Periyakulam Post and Taluk, Theni District.

Petitioner(s)

Vs

The State of Tamil Nadu,
Rep. by The Inspector of Police, All Women Police Station,
Periyakulam, Theni District. (In Crime No. 211 of 2022)

Respondent(s)

For Petitioner(s):

Mr.B.Chandran

For Respondent(s):

Mr.S.S.Manoj

Government Advocate (Crl.side)

ORDER

This petition has been filed under Section 430(1) of BNSS, 2023 @ 389 of Cr.P.C., praying to suspend the sentence imposed in Spl.S.C.No.166 of 2023, vide judgment dated 04.04.2025, passed by the Special Court for the Protection of Children from Sexual Offences Act, 2012, Cases, Theni and to grant bail to the petitioner, pending disposal of the Criminal Appeal.



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2.The case of the prosecution is that on 16.09.2022 at about 08.45 am., when the victim returned to her home, the accused abused her and showed his hand with a sexual gesture. Hence, the complaint.

3.The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, has passed a judgment in Spl.S.C.No.166 of 2023 on 04.04.2025, thereby convicted the petitioner/sole accused and sentenced him to undergo rigorous imprisonment for a period of one year for the offence under Section 11(i)(iv), 12 of POCSO Act, 2012 and to pay a sum of Rs.10,000/- towards fine, in default, to undergo simple imprisonment for a period of three months.

4.The learned counsel for the petitioner would submit that after the judgment was passed, the petitioner has filed an application before the trial Court to suspend the sentence and the same was allowed and interim suspension of sentence was also granted till 04.05.2025. As the time for filing an appeal has expired, on 05.05.2025, the petitioner voluntarily surrendered before the trial Court and now, he is in judicial custody at Central Jail, Madurai.

5.The learned Government Advocate (Crl.side) would fairly concede this fact that the trial Court has suspended the sentence of the petitioner till 04.05.2025.



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6.This Court has carefully considered the submissions of either side and perused the materials available on record.

7.Considering the fact that the trial Court has already suspended the sentence of the petitioner till 04.05.2025 and also considering the facts and circumstances of the case, this Court is of the prima facie view that the sentence is to be suspended pending this Appeal.

8.Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the Special Court for the Protection of Children from Sexual Offences Act, 2012, Cases, Theni, in Spl.S.C.No.166 of 2023, dated 04.04.2025 is suspended and bail is granted to the petitioner subject to the following conditions:-

- i) The petitioner shall be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the Special Court for the Protection of Children from Sexual Offences Act, 2012, Cases, Theni.
- ii) The petitioner shall appear and sign before the Special Court for the Protection of Children from Sexual Offences Act, 2012, Cases, Theni, on the first working day of every English calender month at 10.30 a.m., until



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further orders.

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iii) In case, the petitioner is unable to appear before the Court on the first working day of a month, he shall appear on the next working day.

iv) The petitioner shall furnish his residential address and mobile number to the Special Court for the Protection of Children from Sexual Offences Act, 2012, Cases, Theni.

v) The petitioner should not enter into the victim's residence or her work place.

sd/-
09/05/2025

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/05/2025
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 JUDGE,
SPECIAL COURT FOR THE PROTECTION OF CHILDREN
FROM SEXUAL OFFENCES ACT, 2012, CASES, THENI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 The Inspector of Police,
All Women Police Station,
Periyakulam, Theni District.

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4 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.B.CHANDRAN, Advocate (SR-5485[I] dated 12/05/2025)

ORDER
IN
CRL MP(MD) No.6455 of 2025
IN
CRL A(MD) No.567 of 2025
Date :09/05/2025

MK/SAR /15.05.2025 5P/6C

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