



CRL.MP(MD).No.8726 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2025

CORAM:

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL.MP(MD).No.8726 of 2024

in

CRL A (MD).No.699 of 2024

Muthupandi Raja

.. Petitioner/Appellant

Vs.

The State of Tamil Nadu
rep. by The Inspector of Police,
Ambathurai Police Station,
Dindigul District.
(Crime No.03/2022)

.. Respondent/Respondent

Prayer: This Criminal Misceallenous Petition is filed to suspend the sentence by granting bail in the order dated 26.07.2024 passed by the Learned Mahila Court, Dindigul District in Special S.C.No.127 of 2023 till the disposal of the criminal appeal.

For Petitioner:

Mr.N.Mariappan

For Respondent:

Mr.P.Kottaichamy,
Government Advocate (Crl Side)



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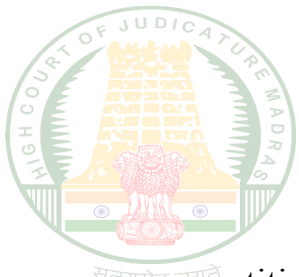
ORDER

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The petitioner was found guilty by the Mahila Court, Dindigul District and convicted in Spl.SC.No.127 of 2023, and sentenced to undergo 5 years of rigorous imprisonment and to pay a fine of Rs.3,000/- for the offence under Section 366 of IPC and sentenced to undergo 20 years of rigorous imprisonment and to pay a fine of Rs.5,000/- for the offence under Section 6 of POCSO Act, 2012 with default clauses.

2. The case of the prosecution is that on 24.12.2021 when the de-facto complainant was not present at the home, the petitioner came to her house and with false promise, forcefully had intercourse with the minor daughter of the de-facto complainant. In conclusion of the Trial, this petitioner was found guilty of the aforesaid offences and convicted as stated above.

3. As against the conviction, the petitioner has filed an appeal before this Court in CRL A (MD).No.699 of 2024 and the same was admitted by this Court. The petitioner has also filed this miscellaneous



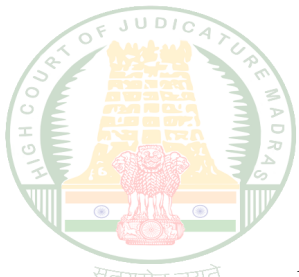
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petition to suspend the sentence as against him.
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4. The learned counsel for the petitioner submits that at the time of occurrence the victim girl was 18 years old and the age of the victim girl has not been proved by the Trial Court. The learned counsel by referring 164 statement of the victim submits that even according to the victim girl, she has voluntarily eloped with the petitioner to marry the petitioner and admittedly, the victim girl is married to the petitioner and this petitioner is in jail from the date of the judgment.

5. Heard the learned Government Advocate (Crl. Side), who would submit that this petitioner is aged about 38 years old and is a married man and he is having three children. However, he has exploited the victim girl, who is aged about 17 years.

6. This Court has considered the rival submissions advanced by the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused all the materials available on



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record.
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7. The petitioner claims that the age of the victim is more than 18 years. Even according to the de-facto complainant, she sent the victim girl along with this petitioner to the hospital and this petitioner has also helped her and consoled her. As per the 164 statement of the victim girl, the victim girl has eloped along with the petitioner to Velankanni for performing marriage, where they said to have physical relationship.

8. Considering the period of incarceration and since the petitioner, is disputing the age of the victim girl and is having arguable points in this case and the appeal papers/typed set are not made ready and the petitioner has made out a case that the main criminal appeal could not be taken up for final disposal in the near future, this Court is inclined to suspend the sentence pending the criminal appeal.

9. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the



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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 Mahila Court, Dindigul District and on further condition that the petitioner shall stay at Virudhunagar and report before the Virudhunagar Town Police Station daily at 10.30 a.m., until further orders.

26.02.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes
nst



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To

1. The Judge, Mahila Court,
Dindigul District.
2. The Inspector of Police
Ambathurai Police Station,
Dindigul District.
3. The Superintendent,
Central Prison,
Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.



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B.PUGALENDHI, J.

nst

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in
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Dated: 26.02.2025