

Crl.M.P.(MD)No.14330 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.M.P(MD)No.14330 of 2025

in

Crl.A(MD)No.1096 of 2025

Prabakaran

... Petitioner

Vs.

State of Tamil Nadu rep.
by the Inspector of Police,
All Women Police Station,
Palani, Dindigul District.
Crime No.36 of 2024.

... Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, to suspend the sentence of imprisonment imposed in Spl.S.C.No.60 of 2025 on the file of the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court, Dindigul, dated 23.09.2025 and enlarge the petitioner/appellant on bail pending disposal of the above appeal.

For Petitioner : Mr.V.Karuna,

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (criminal Side)



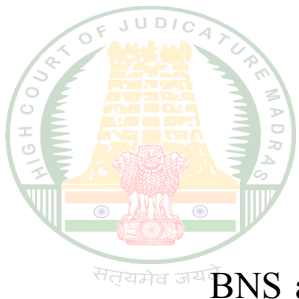
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ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in Spl.S.C.No.60 of 2025 on the file of the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court, Dindigul, dated 23.09.2025 and enlarge the petitioner/appellant on bail pending disposal of the above appeal.

2. The case of the prosecution is that the petitioner and the victim girl are relatives and they loved each other. When the same was known to the victim's parents, they reprimanded and warned her; that on 01.10.2024, the victim girl was sent to Thoothukudi along with their relative, Ravi; that both of them reached Palani Bus Stand at 21:30 hours, whereupon Ravi informed the victim girl that he was going to a nearby shop and left the place and that the accused took advantage, abducted the victim girl, who was under 18 years of age and took her to Room No.201, CM Lodge, Vadipatti, Madurai, where he subjected her to aggravated sexual assault. On the basis of the complaint lodged by defacto complainant, who is working as Legal cum Probation Officer, District Child Protection Unit, Dindigul, FIR came to be registered in Crime No.36 of 2024 for the offence under Section 137(2) of



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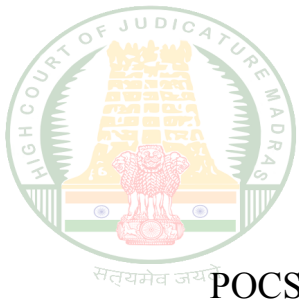
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BNS and Sections 5(l) and 6 of POCSO Act and subsequently, altered into offences under Section 87 of BNS and Section 5(1), 6, 5(n) of POCSO Act.

3. The respondent police, after completing the investigation, has filed the final report and the case was taken on file in Spl.S.C.No.60 of 2025 and the same was pending before the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Dindigul.

4. During trial, the prosecution examined 12 witnesses as P.W.1 to P.W.12 and exhibited 22 documents as Ex.P.1 to Ex.P.22. Whereas, the defence had adduced neither oral nor documentary evidence.

5. The learned Sessions Judge, upon considering the evidence, both oral and documentary and on hearing the arguments on both the sides, has passed the impugned judgment dated 23.09.2025 convicting the petitioner/accused for the offence under Section 137(2) of BNS and sentenced him to undergo two years rigorous imprisonment and to pay a fine of R.5,000/- in default to undergo three months simple imprisonment and acquitted him for the offence under Section 87 of BNS and Section 6 of



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POCSO Act. The Trial Court has suspended the sentence imposed on the petitioner till the filing of the appeal. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

6. The learned Government Advocate (Criminal Side) appearing for the State would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

7. The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner has already paid the fine amount.

8. This Court has carefully considered the rival contentions put forward by the learned counsel for the petitioner as well as the learned Government Advocate (Criminal side) appearing for the State and also perused the materials available on record.



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9. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and considering the health issues, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

10. In the result, the Criminal Miscellaneous Petition is ordered. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions :

(i) the petitioner is directed to 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 learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Dindigul ;

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;



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(iii) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C (355 of BNSS) and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

15.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The Sessions Judge, Magalir Neethi Mandram
(Fast Track Mahila Court), Dindigul.
- 2.The Inspector of Police,
All Women Police Station,
Palani, Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
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in
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Dated: 15.10.2025