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Crl.M.P.No.1252 of 2
in Crl.A.No.77 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

**CRL MP No. 1252 of 2026
in CRL A No. 77 of 2026**

Gopal
S/o. Ramasamy,
Melpallur Colony,
Polur Taluk,
Tiruvannamalai District,
Now convict Prisoner,
Central Prisoner, Vellore.

... Petitioner

Vs.

The State represented by
Inspector of Police
All Women Police Station, Polur,
Tiruvannamalai District.
Crime No.13 of 2008.

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 (1) of BNSS Act, to suspend the sentence passed by the Session Judge, Magalir Neethimandram, Fast Track Mahila Court, Tiruvannamalai in S.C.No. 124 of 2009 dated 30.04.2025 and release the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner (s): Mr.R.Ganesh

For Respondent(s): Mr.S.Raja Kumar
Additional Public Prosecutor

ORDER



This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner in SC.No.124 of 2009 dated 30.04.2025 on the file of the learned Sessions Judge, Magalir Neethimandram, Fast Track Mahila Court, Tiruvannamalai and release the petitioner on bail pending disposal of the above Criminal Appeal.

2. The petitioner/A2 in SC.No.124 of 2009 was convicted by the Trial Court by judgment dated 30.04.2025 for the offences under Section 354 IPC and sentenced to undergo 2 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo 3 months simple imprisonment. Aggrieved by the same, he filed Crl.A.No.77 of 2026 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

3. The case of the prosecution is that on 24.12.2008 at about 7.00 p.m., while the victim was proceeding to the Medical Shop, A1 with the intention to kidnap the victim, wrongfully restrained her and took her to a thorny bush area near Melpalur Colony Pillaiyar Koil and had sexual intercourse with the victim; and that thereafter, while the victim coming out of the thorny bush, A2 with the intention of outraging her modesty, forcibly pressed her chest with his hands. On the complaint given by the grand mother of the victim, a case was registered for the offences under Sections 341, 366(A), 376 and 354 IPC in Crime No.13



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4. The learned counsel for the petitioner would submit that the petitioner was sentenced to two years imprisonment; and that he is in custody from 30.04.2025; and that there are several arguable points in the above appeal which requires consideration and considering the period of incarceration, the sentence may be suspended.

5. The learned Additional Public Prosecutor for the respondent, per contra, would submit that the prosecution had established its case beyond reasonable doubt and no case has been made out for suspension of sentence.

6. Admittedly, the petitioner is in custody from 30.04.2025. The petitioner has been sentenced to two years of rigorous imprisonment and had served substantial portion of the sentence. The petitioner has also raised substantial grounds which requires consideration in the above appeal.

7. Considering all the above aspects, this Court is inclined to grant the relief of suspension of sentence to the petitioner. Accordingly, the sentence imposed on the petitioner is suspended and the petitioner is ordered to be released on bail on the following conditions:



- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Polur;
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal 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 Cr.P.C. 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.

8. Accordingly, this Criminal Miscellaneous Petition is ordered.

29-01-2026
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SUNDER MOHAN, J.
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- To
1. The Magalir Neethimandram,
Fast Track Mahila Court,
Tiruvannamalai
 2. The Inspector of Police,
All Women Police Station, Polur,
Tiruvannamalai District.
 3. The Public Prosecutor,
High Court, Madras.
 4. The Central Prison, Vellore

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