



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL MP No. 4669 of 2026

in

CRL A No.270 of 2026

Manikandan

..Petitioner(s)

Vs

The State Rep. by
The Inspector of Police,
Karungalpalaiyam Police Station,
Erode District.
Crime No.453/2020

..Respondent(s)

Criminal miscellaneous petition filed under Section 430(1) of BNSS, seeking to suspend the sentence in connection with Spl.S.C.No. 03/2021 by the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court) at Erode by judgment dated 31.07.2025.

For Petitioner(s): Mr.Selvakumar Subramaniam

For Respondent(s): Ms.J.R.Archana, GA (Crl.Side)

ORDER

This criminal miscellaneous petition has been filed by the petitioner seeking suspension of sentence imposed by the learned Sessions Judge, Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court) at Erode, in Spl.S.C.No. 03 of 2021, vide judgment dated 31.07.2025.



2. The conviction and sentence imposed against the petitioner, vide impugned judgment are as follows:-

<i>Under Section</i>	<i>Sentence</i>
366 of IPC	To undergo 3 (Three) years rigorous imprisonment and to pay a fine of Rs.5000/- and in default, to undergo 3 months simple imprisonment.
5(1) punishable u/s.6 of Protection of Children from Sexual Offences Act, 2012	To undergo rigorous imprisonment for 20(twenty) years and to pay a fine of Rs.5000/- and in default, to undergo 3 months simple imprisonment.

3.Learned counsel for the petitioner submitted that the petitioner and the victim were known to each other and involved in a love affair, and that this is a case of elopement between two young individuals aged 20 and 17 respectively. He further submitted that during the course of investigation, the petitioner was under judicial custody for a period of two months and thereafter, the petitioner has been in prison from the date of judgment ie., 31.07.2025 till date. He also submitted that there are several arguable points in the criminal appeal, which is unlikely to be taken up for final hearing in the near future and the petitioner has a fair chance of succeeding in the appeal and hence, the sentence imposed on the petitioner may be suspended and the petitioner/appellant may be enlarged on bail.



4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent opposed for grant of suspension of sentence stating that the petitioner induced the minor victim girl and took her from the lawful custody of her parents and stayed in a rented house at Surampatti Dam Road and committed repetitive penetrative sexual acts. He further submitted that the trial Court, after taking into consideration the oral and documentary evidence produced by the prosecution, rightly found the petitioner/appellant guilty and convicted and sentenced him as stated at paragraph no. 2 supra.

5. Heard the learned counsel on either side and perused the materials on record.

6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner that the petitioner and the victim were in a love affair and that the petitioner has been in jail for a substantial period of time following his conviction on 31.07.2025, this Court is inclined to grant the relief of suspension of sentence to the petitioner, till the disposal of the criminal appeal, on certain conditions.

7. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner/appellant is ordered to be released on bail on his executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only),



with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court) at Erode and on further conditions that:-

(i) The petitioner/appellant and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Passbooks to ensure their identities.

(ii) The petitioner/ appellant shall appear before the trial Court 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 355 of BNSS, 2023 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.

(iii) The petitioner/appellant shall not enter into the jurisdiction of the respondent Karungalpalaiyam Police Station, until further orders from this Court, except for the purpose of attending the Court proceedings.

8.This criminal miscellaneous petition stands ordered accordingly.

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27-03-2026



To
WEB COPY

- 1.The Inspector of Police,
Karungalpalaiyam Police Station,
Erode District.
2. The Sessions Judge, Magalir
Neethimandram (Fast Track Mahila Court),
Erode.
- 3.The Superintendent of
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA, J.

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