



Crl.M.P.No.24825 of 2025
in Crl.A.No.1954 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.24825 of 2025

in

Crl.A.No.1954 of 2025

Uththaman

... Petitioner /Appellant

Vs.

The State represented by its
The Inspector of Police,
Kurinipadi Police Station,
Cuddalore District.
Crime No.508 of 2012

... Respondent / Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 389(1) of Cr.P.C praying to suspend the sentence imposed by the learned Sessions Judge, Mahila Court at Cuddalore in SC No.126 of 2019 dated 23.05.2025 and enlarge the petitioner on bail pending disposal of the said Criminal Appeal.

For Petitioner : Mr.M.Mohamed Saifulla

For Respondent : Mr.S.Balaji

Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 23.05.2025 in



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S.C.No.126 of 2019 on the file of the Mahila Court, Cuddalore, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/accused in S.C.No.126 of 2019 was convicted by the Trial Court by judgment dated 23.05.2025, for the offence under Section 376 r/w 511 of IPC and sentenced to undergo seven years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for six months. Aggrieved by the same, the petitioner filed Crl.A.No.1954 of 2025 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

3.The gist of the prosecution case is that on the date of occurrence, i.e. on 21.10.2012, the victim girl (P.W.2) was found missing; that when P.W.1 the mother went in search of P.W.2, she found the P.W.2 lying without any dress with the petitioner; that on seeing P.W.1, the petitioner fled from the place of occurrence; and that P.W.2 told P.W.1 that the petitioner had attempted to commit rape on her.



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4.The learned counsel for the petitioner submitted that the allegations are false ; that the evidence of the victim is contrary to the medical evidence adduced by the prosecution; that P.W.4, the Doctor, did not notice any injuries on the private parts of the victim; and that the victim girl was not subjected to medical examination immediately after occurrence. Considering the period of incarceration already undergone by the petitioner, the learned counsel prayed that the sentence may be suspended.

5. Heard the Government Advocate (Crl.Side) and perused the counter affidavit of the respondent.

6. The petitioner has raised substantial grounds in the appeal. The appeal is not likely to be taken up in the near future. The petitioner is in custody from 23.05.2025. Considering all the above facts and the submissions made by the learned counsel for the petitioner, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

7. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended till the disposal of the



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above criminal appeal 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 Sessions Judge, Mahila Court, Cuddalore ;
- (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.

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To
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- 1.The Sessions Judge, Mahila Court, Cuddalore.
- 2.The Central Prison, Cuddalore.
- 3.The Inspector of Police,
Kurinjipadi Police Station,
Cuddalore District.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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