



Crl.M.P.No.23046 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2026

CORAM:

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.M.P.No.23046 of 2025
in Crl.A.No.1863 of 2025

Manikandan

... Petitioner/Accused

Vs.

The State rep by,
The Inspector of Police,
Kamanaickenpalayam Police Station,
Tiruppur District.
(Cr.No.425 of 2021).

... Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed in the judgment passed in Spl.S.C.No.25 of 2022 by the learned Court of Sessions, Mahalir Neethimandram (Fast Track Mahila Court), Tirupur dated 04.08.2025 and enlarge the Petitioner on bail pending disposal of the Criminal Appeal.

For Petitioner : Mr.T.Vijayshankar

For Respondent : Mr.R.John Sathyan
State Public Prosecutor



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ORDER

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This Criminal Miscellaneous Petition has been filed for suspending the sentence imposed in the judgment passed in Spl.S.C.No.25 of 2022 by the learned Court of Sessions, Mahalir Neethimandram (Fast Track Mahila Court), Tirupur dated 04.08.2025 [hereinafter referred to as the Trial Court].

2. By the impugned Judgment dated 04.08.2025, the Trial Court convicted the Petitioner/Accused and has sentenced petitioner has follows:

Sl. No.	Sections	Imprisonment	Fine amount
1	Section 363 of Indian Penal Code	To undergo 7 years Rigorous Imprisonment (in default to undergo 2 months simple imprisonment)	5,000/-
2	Section 5(i) r/w 6 of the Protection of Children from Sexual Offences Act	To undergo 20 years Rigorous Imprisonment (in default to undergo 6 months simple imprisonment)	10,000/-

3. The Petitioner/Accused was aged about 21 years at the time of the alleged offence. The victim was reportedly aged about 17 years who went missing and therefore a complaint was filed in Ex.P3 by one of the grand mother of the victim which eventually lead to the investigation which



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has now culminated in the impugned judgment of the Trial Court punishing the Petitioner/Accused. Though the Petitioner/Accused was acquitted for the offences under Section 366A of IPC and Section 9 of Prohibition of Child Marriage Act and Section (I) of Pocso Act, however convicted him for the offences as stated above.

4. It is informed by the learned counsel for the Petitioner that both the Petitioner/Accused and the Respondent/Complainant were in affair and that the medical evidence also proved that the hymen of the victim was intact.

5. During the course of cross examination of P.W.4/Medical Officer also confirmed that rarely the hymen would be intact when there was a penetrative sex.

6. The victim on the other hand during her chief examination as P.W.1, has deposed that the Petitioner had lured the victim and had promised to marry her and had sexual intercourse with her resulting injuries to her Private Parts which stands recorded in the medical evidence and the deposition of P.W.3.

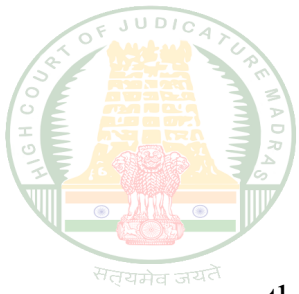


7. Having considered the submissions made by the learned counsel for the Petitioner/Accused and the learned State Public Prosecutor and taking note of the fact that deposition of P.W.4/Medical Officer dated 20.02.2023 and the contradictions elicited during the cross examination, I am of the view that the Petitioner has a fair case to succeed in this case. The Petitioner has been in Prison since 04.08.2025.

8. Considering the facts and circumstances of the case and also the submissions made by the learned counsel on either side, I am of the view that the sentence of imprisonment can be suspended and the Petitioner/Accused can be granted bail on conditions. Accordingly, pending disposal of the appeal, the sentence is suspended and the Petitioner/Accused are to enlarged on bail, subject to the following conditions:-

(i) The petitioner/Accused shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Palladam.;

(ii) The Petitioners/Appellants and the sureties shall affix their photographs and Left Thumb Impressions 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



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(iii) The petitioner/Accused shall appear before the trial Court on the first working day of every English calendar month at 10.30 a.m., until further orders.

9. Accordingly, the Criminal Miscellaneous Petition stands ordered.

10. List the main case on 14.08.2026.

05.06.2026

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To

1. The Sessions Court, Mahalir Neethimandram (Fast Track Mahila Court), Tirupur.
2. The Judicial Magistrate, Palladam.
3. The Inspector of Police,
Kamanaickenpalayam Police Station,
Tiruppur District.
4. The Central Prison,
Coimbatore.
5. The Public Prosecutor,
High Court of Madras.



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C.SARAVANAN, J.

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