



Crl.M.P.No.22141 of 2025
in Crl.A.No.1783 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.22141 of 2025

in

Crl.A.No.1783 of 2025

Manogaran

... Petitioner

Vs.

The State Represented by
Inspector of Police,
All Women Police Station,
Tiruchengode,
Namakkal District.
Crime No.08 of 2020

... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430(2) of BNSS, praying to suspend the sentence made in Spl.C.C.No.39 of 2021 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Namakkal, dated 06.11.2025.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.S.Raja Kumar,
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 06.11.2025 passed in



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Spl.C.C.No.39 of 2021 by the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Namakkal, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/accused in Spl.C.C.No.39 of 2021 was convicted by the Trial Court by judgment dated 06.11.2025, for the following offences:

Conviction under Sections	Sentence awarded
366 of IPC	To undergo rigorous imprisonment for five years and to pay a fine of Rs.1,000/- and in default to undergo simple imprisonment for three months.
3 r/w 4(1) of the Protection of Children From Sexual Offences Act, 2012	To undergo rigorous imprisonment for ten years and to pay a fine of Rs.1,000/- and in default to undergo simple imprisonment for three months.

3. Aggrieved by the same, he filed Crl.A.No.1783 of 2025 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

4. The case of the prosecution is that the victim girl had a love affair with the petitioner; that the petitioner had called the victim girl and lured her on the promise of marriage and committed penetrative sexual assault on the



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victim girl; that thereafter, when the victim girl went to marry the petitioner, he refused stating that he was already a married man; hence, the complaint was lodged.

5. The learned counsel for the petitioner would submit that the prosecution has not established that the victim was a minor; that the evidence of PW10, the Headmaster, who had issued the school certificate, does not inspire confidence; that admittedly the victim was not studying in the school at the time when the school certificate was issued; that the documents verified by the Headmaster with regard to the date of birth mentioned in the said certificate have not been produced by the prosecution; that the father of the victim girl had deposed that the victim was aged 18 years at the time of occurrence; and that since admittedly the relationship was consensual, the alleged offences are not made out.

6. Heard the learned Additional Public Prosecutor for the respondent and perused the counter affidavit available on record.

7. It is seen from the records that the only evidence produced by the prosecution with regard to the age of the victim is the school certificate issued



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by the Headmaster. Admittedly, the victim was not studying in the said school.

The prosecution has not produced the document on the basis of which Ex.P9 was issued. The father of the victim had deposed that the victim was aged 18 years. Even according to the victim, she was studying XI Standard. There is no reason why the matriculation certificate has not been produced by the prosecution. There is force in the submission that the age has not been proved conclusively. As stated above, the relationship between the victim and the appellant was consensual.

8. Considering all the above facts, and since the petitioner has made out a *prima facie* case, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

9. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended till the disposal of the 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/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Namakkal;



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- (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.

30.01.2026
(2/2)

cda

To

- 1.The Sessions Judge,
Magalir Neethimandram (Fast Track Mahila Court), Namakkal.
- 2.The Inspector of Police,
All Women Police Station,
Tiruchengode,
Namakkal District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court, Madras.

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SUNDER MOHAN, J.

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