



Crl.MP.No.22712 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2026

CORAM:

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

Crl.MP.No.22712 of 2025

in

Crl.A.No.1826 of 2025

S.Velmurugan

...Petitioner

Vs.

State of Tamil Nadu rep. by,
The Inspector of Police,
All Women Police Station,
Kangeyam, Tiruppur District.

...Respondent

Criminal miscellaneous petition filed under Section 430(1) of BNSS, seeking to suspend the sentence imposed vide judgment dated 23.10.2025 made in Spl.S.C.No.42 of 2021 by the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Tiruppur. and enlarge the petitioner on bail pending disposal of this appeal.

For Petitioner : Mr.D.Krishnamoorthy

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

ORDER

The petitioner has filed the present petition seeking to suspend the sentence imposed on him by the learned Sessions Judge, Mahalir



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Neethimandram (Fast Track Mahila Court), Tiruppur, vide judgment dated 23.10.2025 made in Spl.S.C.No.42 of 2021.

2. Vide impugned judgment dated 23.10.2025, the petitioner was convicted for offences under Sections 5(I), 5(j)(ii) r/w. 6 of the POCSO Act and Section 305 of IPC and in respect of the conviction for the offences under Sections 5(I), 5(j)(ii) r/w. 6 of the POCSO Act, the petitioner was sentenced to undergo rigorous imprisonment for a period of twenty years and was directed to pay a fine of Rs.10,000/-, and in default of payment of fine, to undergo six months simple imprisonment and in respect of the conviction for the offence under Section 305 of IPC, the petitioner was sentenced to undergo rigorous imprisonment for a period of ten years and was directed to pay a fine of Rs.10,000/-, and in default of payment of fine, to undergo six months simple imprisonment. Challenging the same, the petitioner filed the above appeal along with this petition seeking suspension of sentence.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. He further submitted that there are lot of material contradictions in the

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evidence of the prosecution and the prosecution evidence is also highly unbelievable and that there are arguable points in the criminal appeal, which is unlikely to be taken up for final hearing in the near future and the petitioner/appellant has a fair chance of succeeding in the appeal. Hence, the sentence imposed on the petitioner/appellant 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 vehemently opposed for suspension of sentence imposed on the petitioner and submitted that about 1 and a half years prior to the incident, when the victim girl had gone to her relative's house at Selakkaraichal to observe a festival ritual, the petitioner/accused who was residing near the house of the victim's relative, enticed her and committed aggravated penetrative sexual assault on several occasions on the false pretext of marriage. As a result, the victim became pregnant and when the victim requested the petitioner/accused to marry her, he refused the same and further stated that the sole solution would be her death and thereby, instigated her to commit suicide. In such circumstances, on 19.12.2019 at about 09.00 am, due to the instigation of the accused, the minor victim poured kerosene over herself and set herself ablaze and subsequently succumbed to the burn injuries. She further submitted that a



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DNA test was conducted on the foetus found in the victim's womb, which proved that the petitioner/accused is the biological father. Hence, as the acts perpetrated by the petitioner against the victim are heinous in nature, the trial court, relying upon the materials on record and cogent evidence adduced by the prosecution, had rightly convicted the petitioner for the aforementioned offences, which cannot be termed erroneous or unsustainable. Accordingly, she prayed for dismissal of this petition.

5. This Court gave its careful consideration to the submissions advanced on either side and perused the materials available on record.

6. A perusal of the judgment passed by the court below coupled with the complaint lodged in this regard reveals that there are allegations with regard to sexual assault against the petitioner, which are of serious nature and the same have to be tested at the time of final disposal of appeal and at the threshold, it cannot be held that there are no materials to brush the case aside. Though bail is the norm and jail is an exception, however, the seriousness of the allegations and the nature and gravity of the offences alleged to have been committed by the petitioner had resulted in the court below convicting the petitioner for the aforesaid offence, which is based on cogent and convincing reasoning and hence,



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the same does not require any interference at the hands of this Court.

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7. In view of the above, this Court is not inclined to accede to the prayer sought by the petitioner and accordingly, this criminal miscellaneous petition stands dismissed.

8. Registry is directed to prepare the Paper book/typed set of papers and post the main appeal for hearing in the usual course.

25.03.2026

skt

To:

1. The Sessions Judge,
Mahalir Neethimandram (Fast Track Mahila Court),
Tiruppur.
2. The Superintendent,
Central Prison,
Coimbatore.
3. The Inspector of Police,
All Women Police Station,
Kangeyam, Tiruppur District.
4. The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA, J.

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