



Crl.M.P.No.24766 of 2025
in Crl.A.No.221 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.24766 of 2025
in Crl.A.No.221 of 2024

Vellaiyan

... Petitioner /Appellant

Vs.

The State Rep. By
The Inspector of Police,
Paramathi Circle, Jedarpalayam Police Station,
Namakkal District.
Crime No.289/2012

... Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 389(1) of Cr.P.C r/w 430(1) of BNSS praying to suspend the sentence imposed in S.C.No.27 of 2018 dated 22.09.2023 on the Sessions Judge, Magalir Neethimandram, Fast Track Mahila Court, Namakkal and Enlarge the petitioners on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 22.09.2023 passed in S.C.No.27 of 2018 by the learned Sessions Judge, Magalir Neethimandaram, Fast Track Mahila Court, Namakkal, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/accused in S.C.No.27 of 2018 was convicted by the Trial Court by judgment dated 22.09.2023, for the offences under Sections 366(A) and 376(1) of IPC and sentenced to undergo 10 years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo six months simple imprisonment for the offence under Section 366(A) IPC and sentenced to undergo twenty years rigorous imprisonment and to pay a fine of Rs.1,000, in default, to undergo six months simple imprisonment for the offence under Section 376(1). Aggrieved by the same, he filed Crl.A.No.221 of 2024 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

3.The gist of the prosecution is that the petitioner and the victim girl aged about 16 years at the time of the occurrence were known to each other;



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that they developed friendship and on the promise of marriage, the petitioner kidnapped the victim girl on 21.07.2012 at about 06.00 p.m. and lured the victim girl and had sexual intercourse with the victim girl several times and thus committed the aforesaid offences.

4.Mr.R.Sankarasubbu, the learned counsel for the petitioner would submit that the evidence of the petitioner cannot be believed; that the victim, who was aged about 16 years had voluntarily gone with the petitioner; that the evidence discloses that it was a consensual relationship and the victim was subsequently tutored to depose that the petitioner had forcible sexual intercourse. Considering the above facts and the period of incarceration, the sentence imposed on the petitioner may be suspended.

5.Heard the learned Government Advocate(Crl. Side) for the respondent and perused the materials available on record.

6.The victim was aged about 16 years at the time of the occurrence and it is seen that the victim girl had voluntarily gone with the petitioner. Though consent is immaterial, considering the fact that the victim has made improvements in her version and the petitioner has raised substantial grounds



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in the above appeal, which requires consideration and also considering the fact that the petitioner is in custody from 22.09.2023 and since the appeal is not likely to be taken in the near future, 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 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, Magalir Neethimandram, Fast Track Mahila Court, Namakkal;
- (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



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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.

20.01.2026

Tsg

Note: Issue order copy on 21.01.2026

To

- 1.The Sessions Judge,
Magalir Neethimandram,
Fast Track Mahila Court,
Namakkal.
- 2.The Superintendent,
Central Prison, Coimbatore-18.
- 3.The Inspector of Police,
Paramathi Circle,
Jedarpalayam Police Station,
Namakkal District.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

Tsg

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