



WEB COPY

CRL MP No. 24931 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 24931 of 2025

AND

CRL A NO. 1246 OF 2025

Harish @ Ramesh Aravind

Petitioner(s)

Vs

State Rep by,
The Inspector of Police,
Bhavanisagar police station, Erode District.
(Cr.No.138/2021)

Respondent(s)

PRAYER

To suspend the sentence and grant bail to the petitioner/Appellant for the conviction and sentence imposed in Spl.S.C.No.51 of 2021 dated 20.03.2025 on the file of the Fast Track Mahila Court, Erode and enlarge the petitioner on bail pending disposal of the above said criminal appeal.

For Petitioner(s): Mr.K.Gandhi Kumar

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

ORDER

The petitioner seeks suspension of sentence imposed on him by the learned Fast Track Mahila Court, Erode in Special S.C No.51 of 2021 dated 20.03.2025, by which the petitioner was convicted for the offence under Sections 366 of IPC and sentenced to undergo rigorous imprisonment for a



period of five years and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a period of three months; and for the offence under Section 5(1) punishable under Section 6 of the POCSO Act, 2012 and sentenced to undergo rigorous imprisonment for a period of 20 years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of three months.

2. The gist of the allegation is that the petitioner, who was aged 21 years at the time of occurrence, had a love affair with the victim girl, who was aged 16 years; that he seduced the victim and had sexual intercourse with her on two occasions and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that this is the second petition seeking suspension of sentence. The earlier petition was dismissed on 18.08.2025 at the time of admission of the appeal, as the petitioner had failed to make out a prima facie case for suspension of sentence; that at that time, certain important facts were not brought to the notice of this Court; that P.W.1/victim admitted that she had voluntarily gone with the petitioner and that they were in a love affair; that the evidence of the Doctor would show that there were no injuries on the victim girl and the affair was consensual and that, in any case, there are several arguable points in the appeal which require consideration and hence the sentence may be suspended.



4. Heard the learned Government Advocate (Crl. Side) appearing for the respondent, who would oppose the suspension of sentence, stating that though it is the admitted case of the prosecution that it was a consensual affair; that the consent is immaterial since the victim girl was less than 18 years of age and therefore, the judgment of the Trial Court cannot be faulted and the petitioner has not made out any case for suspension of sentence.

5. It is seen from the evidence of P.W.1 that the victim had admitted that she had a consensual relationship with the petitioner; that they were in a love affair; and that the petitioner was also young at the time of occurrence. Considering the fact that the occurrence had taken place due to the innocence of two youngsters and mutual attraction for each other, the nature of the evidence and the fact that the petitioner has raised substantial grounds in the appeal, this Court is inclined to suspend the sentence imposed on the petitioner.

6. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended 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 Fast Track Mahila Court, Erode;

(ii) The petitioner shall pay the fine imposed by the Trial Court;



(iii) 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

(iv) The petitioner shall appear before the trial Court on the first working day of every week 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.

05-01-2026

skr

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1. Learned Fast Track Mahila Court, Erode.
2. The Public Prosecutor, Madras High Court, Chennai.
3. The Superintendent, Central Prison, Salem.
4. The Inspector of Police, Bhavanisagar Police Station, Erode District.



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SUNDER MOHAN J.
skr

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