



*Crl.MP(MD) No.3859 of 2024 in
Crl.A(MD) No.692 of 2022*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.3859 of 2024
in Crl.A.(MD)No.692 of 2022

Ayyavu

... Petitioner

Vs.

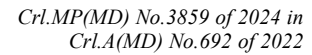
The State Rep. by its
The Inspector of Police,
Virusvedu Police Station,
Dindigul District.
Crime No.703/2020

... Respondent

Prayer: Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence imposed on the petitioner vide Judgment dated 10.06.2022 in Spl.S.C.No.59 of 2020 on the file of the Fast Track Mahila Court, Dindigul, pending disposal of the main Criminal Appeal.

For Petitioner : Mr.A.Karthick Kumar

For Respondent : Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl. Side)

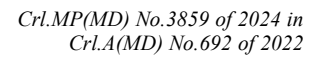


The petitioner, sole accused in Spl.S.C.No.59 of 2020, on the file of the learned Sessions Judge, Fast Track Mahila Court, Dindigul was found guilty by the trial Court and was convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1	451 IPC	2 years RI	Rs.500/-	1 month SI
2	Section 9(m) r/w 10 of POCSO Act	5 years RI	Rs.1,000/-	2 months SI

As against the conviction and sentence imposed by the trial Court in Spl.S.C.No.59 of 2020, dated 10.06.2022, the petitioner has filed a Criminal Appeal in CrI.A(MD)No.692 of 2022 and the same was admitted by this Court on 22.09.2023. Earlier, the petitioner has moved two applications to suspend the sentence imposed on him by the trial Court. However, they were rejected. This is third such application for grant of suspension of sentence.

2. The case of the prosecution is that on 08.08.2020, this petitioner, a vegetable vendor trespassed into the house of the victim girl



3. The learned counsel appearing for the petitioner submits that there was a motive between the defacto complainant's family and the petitioner. Though the prosecution has relied on the evidence of PW2, PW4 and PW5 that this petitioner has come out of the PW1's house, PW4 has stated that he has not witnessed the occurrence. PW3 is none other than the brother of the victim, who has verified the incident with the victim girl and reported the same to his mother. The occurrence took place on 08.08.2020 and the complaint has been lodged on 09.08.2020. The petitioner is in jail for more than 3 1/2 years.

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5. This Court considered the rival submissions made and also perused the materials placed on record.

6. The petitioner was convicted for 5 years. It appears that the petitioner has already undergone more than 3 1/2 years of imprisonment. The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time.

7. Considering the points raised by the petitioner, his period of incarceration and for the reasons that the appeal could not be taken up immediately, this Court is inclined to suspend the sentence imposed on the petitioner.

8. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following conditions:-

- i. The petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees one Lakh only) with two sureties each for a like sum to



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the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Dindigul.

- ii. The petitioner shall stay at Chennai and report before the Inspector of Police, Ambattur Police Station, daily at 10.30 a.m., till the disposal of the appeal.
- iii. The petitioner along with sureties shall file an affidavit of undertaking before the respondent police that the petitioner will not involve in any offence in future; will not visit the occurrence place; and will not disturb the victim and her family, pending appeal.
- iv. In the event, if the petitioner has violated any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

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06.04.2026



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To

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- 1.The learned Sessions Judge,
Fast Track Mahila Court,
Dindigul.
- 2.The Inspector of Police,
Viruveedu Police Station,
Dindigul District.
- 3.The Inspector of Police,
Ambattur Police Station,
Chennai.
- 4.The Superintendent,
Central Prison,
Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.,

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