



*CrI.MP(MD) No.4065 of 2025 in
CrI.A(MD) No.390 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :**23.03.2026**

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.M.P.(MD)No.4065 of 2025
in CrI.A.(MD)No.390 of 2025

Karthick @ Karthick Kumar

... Petitioner

Vs.

State of Tamil Nadu,
Rep by
The Inspector of Police,
Muthaiahpuram Police Station,
Muthaiahpuram,
Thoothukudi,
Thoothukudi District.
Crime No.83 of 2018

... Respondent

Prayer: Petition filed under Section 430(2) of BNSS to suspend the sentence imposed on the petitioner by the learned Mahila Judge, Fast Track Court, Thoothukudi District in S.C.No.248 of 2019 by the Judgment dated 29.11.2024 and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.K.A.Ramakrishnan

For Respondent : Mr.A.S.Abul Kalam Azad
Government Advocate (CrI. Side)



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2. The learned counsel appearing for the petitioner submits that this petitioner was arrested on 29.11.2024 and he was in jail from the date of conviction and that apart, he was also in jail during the trial. According to him, the victim girl is known to the petitioner and the complaint has been lodged on the next day. He further submits that according to the Doctor who examined the victim girl, there was an attempt to commit rape and the victim girl has escaped from the attempt and therefore, there were no injuries on the victim girl.

3. The learned Government Advocate appearing for the respondent opposed for grant of bail strongly. That apart, this petitioner is also involved in 9 other cases. This petitioner has abducted the victim girl (PW1), attempted to rape her and therefore, the trial Court has found him guilty and sentenced as stated supra.

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



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5. Admittedly, the victim girl was known to the petitioner and no signs of rape were noticed by the Doctor. The complaint was also lodged on the next day. The petitioner is in jail from the date of conviction. Though the learned counsel for the petitioner states that the petitioner was in jail during the trial also, he has not placed those materials before this Court. The learned Government Advocate has raised some objections in view of the antecedents pending against this petitioner. Out of the previous cases against the petitioner, five cases were already disposed.

6. 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. Considering the points raised by the petitioner and 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 and impose a condition to stay away at a far away place in view of his antecedents.



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7. 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.25,000/- (Rupees Twenty Five Thousand only) with two Government sureties each for a like sum to the satisfaction of the learned Mahila Judge, Fast Track Court, Thoothukudi District.
- ii. The petitioner shall stay at Chennai and report before the Inspector of Police, Ambattur Police Station, Chennai, daily at 10.30 a.m., till the disposal of the appeal.
- iii. The petitioner shall file an affidavit of undertaking before the learned Judge that he will ensure his availability pending this appeal and that he will not involve in any offence in future.
- 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.

23.03.2026

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To

1.The learned Mahila Judge,
Fast Track Court,
Thoothukudi District.

2.The Inspector of Police,
Muthaiahpuram Police Station,
Muthaiahpuram,
Thoothukudi District.

3.The Inspector of Police,
Ambattur Police Station,
Chennai.

4.The Superintendent,
Central Prison,
Palayamkottai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.,

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