



*Crl.MP(MD)No.6498 of 2025 in  
Crl.A(MD) No.584 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :01.04.2026

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

Crl.M.P.(MD)No.6498 of 2025  
in Crl.A.(MD)No.584 of 2025

Rajesh

... Petitioner

Vs.

The State of Tamil Nadu through,  
Inspector of Police,  
Puthukadai Police Station,  
Kanyakumari District.

... Respondent

**Prayer:** Petition filed under Section 430 of BNSS to suspend the sentence imposed against the petitioner / appellant (accused no.1) in S.C.No.3 of 2020 on the file of the Court of Fast Track Mahila Court, Kanyakumari District at Nagercoil (Camp Court, Kuzhithurai), dated 16.04.2025 and enlarge the petitioner on bail, pending disposal of main Criminal Appeal.

For Petitioner : Mr.C.K.M.Appaji

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



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## **ORDER**

The petitioner, an accused in S.C.No.3 of 2020, on the file of the learned Sessions Judge (Full Additional Charge), Fast Track Mahila Court, Kanyakumari District at Nagercoil (Camp Court, Kuzhithurai) 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.1,000/-  | 2 months SI |
| 2     | 354(A) IPC | 3 years RI | Rs.1,000/-  | 3 months SI |
| 3     | 306 IPC    | 7 years RI | Rs.1,000/-  | 3 months SI |

As against the conviction and sentence imposed by the trial Court in S.C.No.3 of 2020, dated 16.04.2025, the petitioner has filed a Criminal Appeal in Crl.A(MD)No.584 of 2025 and the same was admitted by this Court on 14.05.2025. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2. The case of the prosecution is that on 11.10.2018, at about 02.15 p.m., when the victim was alone at her house, the petitioner sexually assaulted her, due to which, the victim committed suicide by self immolation. Hence, the case.



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3. The learned counsel appearing for the petitioner submits that the victim was not mentally sound; she was under treatment with Doctor DW1; and the petitioner has examined DW1 and established that the victim was not mentally sound. All the prosecution witnesses are closely related. He further submits that the prosecution has relied on CCTV footage. However, the same has not been Certified under Section 65(B) of the Indian Evidence Act. The petitioner is in jail for nearly one year and during trial, the petitioner was in jail for 5 months.

4. The learned Government Advocate appearing for the respondent submits that the petitioner is aged about 35 years and the victim is the petitioner's uncle's daughter and she was aged about 22 years on the date of occurrence. The petitioner has misbehaved with the victim girl and therefore, the victim girl committed suicide by self immolation. The entry of this petitioner has been captured in CCTV footage. However, certification of that footage has not been obtained. Anyhow, the CCTV footage has not been relied upon by the learned trial Judge. Instead, the learned trial Judge relied upon the evidence of PW3, PW4 and PW5. The victim has given dying declaration, that was also marked and the Doctor



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and the Judicial Magistrate, who recorded the dying declaration were also examined before the trial Court. Therefore, according to him, the prosecution has established its case beyond doubt.

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

6. The petitioner is a relative of victim. The victim was aged about 22 years on the date of occurrence. The prosecution has projected that this petitioner has misbehaved with the victim and therefore, the victim committed suicide. The case is only based on dying declaration. The victim suffered 90% burnt injuries. The petitioner is in jail for nearly one year from the date of conviction and he was also in jail for 5 months during trial.

7. 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, his period of incarceration and for the



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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 the satisfaction of the learned Sessions Judge (Full Additional Charge), Fast Track Mahila Court, Kanyakumari District at Nagercoil (Camp Court, Kuzhithurai).
- ii. The petitioner shall stay at Coimbatore and report before the Inspector of Police, Rathinapuri Police Station, daily at 10.30 a.m., till the disposal of the appeal.
- iii. The petitioner shall file an affidavit of undertaking before the respondent Police that he will not involve in any offence in future; will not disturb the victim's family; and will not visit the occurrence village, pending appeal.



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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.

**01.04.2026**

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To

- 1.The learned Sessions Judge  
(Full Additional Charge),  
Fast Track Mahila Court,  
Kanyakumari District at Nagercoil  
(Camp Court, Kuzhithurai).
- 2.The Inspector of Police,  
Puthukada Police Station,  
Kanyakumari District.
- 3.The Inspector of Police,  
Rathinapuri Police Station,  
Coimbatore.
- 4.The Superintendent,  
Central Prison,  
Palayamkottai,  
Tirunelveli District.
- 5.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madura.



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**B.PUGALENDHI, J.,**

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