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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28-10-2026

CORAM

THE HONOURABLE MR.JUSTICE D.LINGESWARAN

CRL MP(MD) No. 12055 of 2025

CNR:{HCMD011002892025}

in Crl.A(MD)956 of 2026

Elangovan
S/o. Rathinam,
Sengottai,
Nilakottai Taluk,
Dindigul District.
(Convict Prisoner CT No.1946, PID No.529967 at
Central Prison, Madurai)

..Petitioner(s)

Vs

The State of Tamilnadu
Rep by The Inspector of Police,
Nilakottai Police Station,
Dindigul District.
Cr.No.213/2018.

..Respondent(s)

PRAYER: To suspend the sentence imposed on the petitioner by the Fast Track Mahila Court, Dindigul, in Special Sessions Case No.06 of 2023 (Old Special Sessions Case No.61 of 2018) dated 19.07.2025 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal on the file of this Court.

For Petitioner(s) : M/s Haja Mohideen A

For Respondent(s) : Mr.A.Robinson
Additional Public Prosecutor

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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Fast Track Mahila Court, Dindigul, in Special Sessions Case No.06 of 2023 (Old Special Sessions Case No.61 of 2018) dated 19.07.2025 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2. The trial Judge has convicted the petitioner for the offence punishable under Section 6 of POCSO Act and Section 363 of IPC, and sentenced him to undergo three years of Rigorous Imprisonment and to pay a fine of Rs.2,000/- in default to undergo three months of Simple Imprisonment for the offence punishable under Section 363 of IPC and sentenced him to undergo ten years of Rigorous Imprisonment and to pay a fine of Rs.3,000/- in default to undergo six months of Simple Imprisonment for the offence punishable under Section 6 of POCSO Act and further directed him to undergo the sentences for both the offences concurrently.

3. The case of the prosecution is that the victim is aged about 17 years and the petitioner is aged about 32 years at the time of occurrence. They loved each other. On 27.08.2018, at about 02.00 p.m, the petitioner

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kidnapped the victim to Trichy and thereafter, to Kongerkulam, Nilakottai, and had sexual intercourse with her by giving a false promise that he would marry her. Thereby, the petitioner has committed the offence under Section under Section 6 of POCSO Act and Section 363 of IPC.

4. Heard both sides.

5. It is reported that the survivor is no more. She has committed suicide on 18.03.2019. She was not examined before the trial Court. However, her statement recorded under Section 164 Cr.P.C., is available on record. As per her submission, she was in love with the appellant. On knowing the same, the parents made arrangements for her early marriage. Therefore, the victim called the appellant over phone on 27.08.2018 and went with him to Trichy voluntarily where both of them got married. It was only thereafter, sexual intercourse had taken place. Later, based on the complaint from the father of the victim, the petitioner was arrested and remanded to judicial custody.

6. Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up

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for final hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

7. Accordingly, this Criminal Miscellaneous Petition is allowed and 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.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the Fast Track Mahila Court, Dindigul.

ii. 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 to ensure their identity;

iii. The petitioner shall appear before the Fast Track Mahila Court, Dindigul, once in a month i.e. on the 1st working day of every month at 10.30 a.m., till 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 355 B.N.S.S. 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.

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iv. On violation of any of the above conditions by the petitioner, the respondent Police shall move an application for cancellation of the bail.

28-10-2026

DSS

To

1. The Fast Track Mahila Court,
   Dindigul.

2. The Inspector of Police
   Nilakottai Police Station
   Dindigul District.

3. The Superintendent,
   Central Prison, Madurai.

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

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D.LINGESWARAN, J.

DSS

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