



CrI.MP(MD) No.12360 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.MP(MD) No.12360 of 2025

in

CrI.A(MD) No.964 of 2025

R.Saravanan @ Gopi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by Deputy Superintendent of Police,
Tirunelveli Sub Division,
Cheranmahadevi Subdivision,
Suthamalli Police Station,
Tirunelveli District.
[Crime No.193 of 2027]

2.Arulmozhi

... Respondents

Prayer: Petition filed under Section 430(2) of BNSS, to suspend the sentence of imprisonment imposed by the II Additional Sessions Judge, Tirunelveli SC.No.48 of 2017, by judgment dated 17.07.2025 and enlarge the petitioner / appellant on bail, pending disposal of the above said criminal appeal.

For Petitioner : Mr.AayiramK.Selvakumar

For Respondent : Mr.A.S.Abul Kalaam Azad,
No.1 Government Advocate

For Respondent :Mr.R.Venkatesan
No.2



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ORDER

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The petitioner is accused No.1 in SC.No.48 of 2017 on the file of the II Additional Sessions Court, Tirunelveli and he was tried along with other accused and by judgment dated 17.07.2025, this petitioner was found guilty, convicted and sentenced as follows:

Sl.No	Section	Punishment	Fine (in Rs)	default class
1	376 IPC	10 years rigorous imprisonment	5,000	2 months simple imprisonment
2	417 IPC	1 year simple imprisonment	-	-
3	3(2)(V) of SC/ST (POA) Act	10 years rigorous imprisonment	5,000	2 months simple imprisonment
4	3(1) (XII) of SC/ST (POA) Act	1 year rigorous imprisonment	1,000	1 months simple imprisonment

As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in Crl A(MD)No.964 of 2025 along with this petition to suspend the sentence imposed on him by the trial court. The appeal has been admitted by this Court.

2.The learned counsel appearing for the petitioner submits that at the time of occurrence the defacto complainant was aged about 29 years and



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the petitioner was 35 years. They had affairs, married, lived together for sometimes and thereafter due to misunderstanding, they are living separately. The learned counsel by referring to the evidence of defacto complainant / PW1 submits that she in her evidence has addressed the petitioner as her husband and the other accused as her in-laws. While so the defacto complainant lodged a complaint as if the petitioner promised to marry her, had physical relationship and thereafter cheated her. Based on this complaint, the respondent police registered the case and filed the final report. The trial court has convicted the petitioner as above. The petitioner is in jail from 17.07.2025. He further submits that there was attempts by this court for mediation in this petition and this court called the defacto complaint twice to find out the possibility of reunion, however, the defacto complainant has refused to live with the petitioner.

3.The learned counsel appearing for the defacto complainant / 2nd respondent submits that she is afraid of joining the petitioner and she apprehends danger to her life.

4.The learned Government Advocate appearing for the respondent has confirmed the age of the defacto complainant as 29 at the time of



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occurrence and based on the oral instruction given by the Sub Inspector of Police one Mr.Rathod, he further submits that the petitioner is living with another person and the defacto complainant is living with another person and that there is no possibility of reunion between the petitioner and the defacto complainant.

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

6.The victim was aged about 29 years and had physical relationship on the pretext that the petitioner would marry her. Even according to the defacto complainant they had physical relationship several times believing this petitioner would marry her and the defacto complainant had refused before this court for reunion Considering the available materials this court is inclined to allow this petition.

7. Accordingly this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal on the following conditions:



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(i)The petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the II Additional Sessions Court, Tirunelveli.

(ii)The petitioner shall file an affidavit before the respondent police that he will not misuse this liberty and will not indulge in any further offence.

(iii)The petitioner shall report before the trial court on the first working day of every month.

(iv) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

17.03.2026

DSK



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To

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1.The Deputy Superintendent of Police,
Tirunelveli Sub Division,
Cheranmahadevi Subdivision,
Suthamalli Police Station,
Tirunelveli District.

2. II Additional Sessions Judge,
Tirunelveli.

3.The Superintendent,
Central Prison,
Palayamkottai.

Copy to

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



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B.PUGALENDHI, J.,

DSK

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