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CRL MP No. 8293 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-08-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP No. 8293 of 2026

in

CRL A No. 611 of 2026

Shankar

Petitioner(s)

Vs

State Rep by its,
Inspector of Police,
W-21, All Women Police Station,
Cuindy, Chennai-600 032.
Crime No.892/2020 and 893/2020

Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 415(2) of BNSS, to suspend the sentence passed against Appellant/6th Accused who is confined at Central Prison, Puzhal, Chennai, pursuant to the judgment dated 25.11.2024 in Spl.SC.No.82 of 2021 on the file of the Court of Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, at Chennai and enlarge him on bail till pending disposal of the criminal appeal.

For Petitioner(s): Mr.M.Madhuprakash

For Respondent(s): Mrs.Sharada Vivek
Government Advocate (Crl.Side)

**ORDER**

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence passed against the petitioner/Accused (A6), who is currently confined at the Central Prison, Puzhal, Chennai, pursuant to the judgment dated 25.11.2024 in Spl. SC.No.82 of 2021 on the file of the Court of Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Chennai and to enlarge him on bail till pending disposal of the main criminal appeal.

2. The conviction and sentence imposed on the petitioner/appellant, vide impugned judgment dated 25.11.2024 are as follows:-

<i>Sl. No.</i>	<i>Sections</i>	<i>Imprisonment</i>	<i>Fine amount</i>
1.	U/s. 8 of POCSO Act	Sentenced to imprisonment for 5 years with a fine of Rs.10,000/- in default to undergo simple imprisonment for 3 months	Rs.10,000/-
2.	U/s. 4 of POCSO Act @ 4 r/w 18 of POCSO Act	Sentenced to one half of the imprisonment for life i.e., imprisonment for 10 years, with a fine of Rs.25,000/- in default to undergo simple imprisonment for 3 months	Rs.25,000/-
The sentences were ordered to run consecutively.			

3. Aggrieved by the said conviction and sentence, the petitioner has preferred Crl.A.No.611 of 2026 before this Court, along with the instant



criminal miscellaneous petition seeking suspension of sentence and grant of bail.

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4. The case of the prosecution is that there are two victim children (P.W.2 & P.W.15) involved in this case. At the time of occurrence, P.W.15 was studying 9th standard (Date of Birth: 05.03.2007) and P.W.2 was studying in the 10th standard (Date of birth is 26.02.2006). On 11.10.2020, upon finding that P.W.2 & P.W.15 went missing, both the father and mother of the victim child (P.W.2) lodged complaint. These were initially registered as “Girl Missing” cases in Crime Nos. 892 of 2020 and 893 of 2020 respectively at J-3, Guindy Police Station, respectively.

5. Both the victim children returned to the police station on 13.10.2020. After examination of both the victims with assistance of a Women Sub Inspector of Police, the Inspector of Police J-3, Guindy Police Station altered the registration of offences to Sections 6 r/w 5(l)(g) and 15 of POCSO Act, Section 67B of IT Act, Section 376DA of IPC. Given the nature of the offences under the POCSO Act, the case was transferred to W-21, All women Police Station, Guindy, for further investigation.

6. During the trial, the prosecution examined P.W1 to P.W.17 and marked Exhibits P1 to P34. On the side of the defense, D.W.1 to D.W.5 were examined,



Exhibits D1 and D2 were marked, and material objects M.O.1 to M.O.4 were produced.

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7. The trial Court, upon considering the oral and documentary evidence and after hearing arguments on both sides, found the petitioner/accused guilty of the offence under Section 8 & Section 4 of POCSO Act @ 4 r/w 18 of POCSO Act, and subsequently convicted and sentenced him as stated above, *vide* its judgment dated 25.11.2024.

8. The learned counsel for the petitioner submitted that, a total of six accused persons were tried before the trial Court. He further submitted that the prime accused, A1 and A2, who were alleged to have been committed sexual assault on the victims, have already been granted bail by this Court. This Court suspended their substantive sentences of imprisonment on 19.11.2025 and 28.11.2025 in CrI.M.P.No.17809 of 2025 in CrI.A.No.645 of 2025 and CrI.M.P.No.22800 of 2025 in CrI.A.No.1194 of 2025 respectively.

9. The learned counsel contended that the only specific allegation against the petitioner (A6) is that, six months prior to the occurrence, he met P.W.15, while he was studying in the 9th standard and made improbable touch on her, which was resisted before leaving the place. It is further submitted that the



petitioner had no involvement whatsoever with the other victim P.W.2. He also pointed out that though P.W.15 stated that the petitioner took both the victims to a Mini Hall near Vadapalani Theppakulam, where he and other accused consumed alcohol, smoked, and allegedly attempted a sexual assault, the victims left safely at mid-night along with the petitioner. He emphasised that, in any event, the present petitioner did not commit any penetrative sexual assault on either victims. Hence, he prayed for suspension of sentence and enlargement on bail.

10. Mrs.Sharada Vivek, learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and vehemently opposed to the grant of bail. She submitted that six months prior to the incident, when the first victim went to a television shooting location in Virugambakkam with her friends, A6 enticed her to his house by uttering desirous words and committed sexual assault. She further submitted that on 11.10.2020, with the continuous intention to commit sexual offence on them, the accused persons took both victims to a Mini Hall near Vadapalani, Theppakulam, where they were kept overnight and subjected to repeated gang penetrative sexual assault under coercion.

11. The learned Government Advocate (Crl.Side) further submitted that



the victims have clearly stated that the petitioner, under the guise of being a producer, systematically exploited minor girls by making false promise of roles in television serials, introduction to movies, and celebrity status. Under this pretext, the petitioner hosted late-night parties involving minor girls, thereby causing public disturbance to the neighbours. She also drew attention the attention of this Court to the testimony of P.W.5 (the grandson of the house owner), who deposed that the petitioner regularly brought minor girls to his residence, thereby acting as a facilitator and catalyst for the commission of these offences, alongside attempting to sexually assault P.W.15. She contended that innocent school-going children were deceived by such false promises, eloped from their houses, and became entangled in the misery of flesh trade network with P.W.2 and P.W.15 being two such victims. Hence, she strongly opposed the grant of bail. However, the learned Government Advocate fairly conceded that the co-accused A1 and A2, were granted suspension of sentence and bail by this Court bail by this Court vide orders dated 19.11.2025 and 28.11.2025 respectively.

12. At this juncture, the learned counsel for the petitioner submitted that the petitioner is ready to abide by any stringent condition imposed by this Court. He further executed an undertaking on behalf of the petitioner that the petitioner shall not enter or go anywhere near at No.5, Yadaval Street, Virugambakkam,



Chennai 600 092, and shall not indulge in any such activities in the future.

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13. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent and also perused the materials available on record.

14. Considering the above submission made by the learned counsel on either side and also taking into account the explicit undertaking given by the petitioner/accused and noting that the co-accused (A1 & A2) have already been granted bail by this Court vide orders dated 19.11.2025 and 28.11.2025 in Crl.M.P.No.17809 of 2025 in Crl.A.No.645 of 2025 and Crl.M.P.No.22800 of 2025 in Crl.A.No.1194 of 2025 respectively, this Court is inclined to grant the relief of suspension of sentence and bail to the petitioner pending disposal of the main criminal appeal, subject to the following conditions:

(a) the petitioner/accused is ordered to be released on bail, on executing a bond **for a sum of Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, in which one surety must be a blood related surety, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act.

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and



the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

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(c) The petitioner shall appear before the respondent police on every Saturday at 10.30. a.m and also shall appear before the Trial court on the first working day of every English Calendar month at 10.30 a.m, till the disposal of the criminal 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 of BNSS, 2023 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.

(d) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*.

15. With the above directions, this Criminal Miscellaneous Petition is ordered.

18-08-2026

Jd

Neutral Citation:Yes/No

Note: Issue order copy today i.e., on 19.08.2026.



To

1. The Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

2. The Inspector of Police,
W-21 Guindy All Women Police Station,
Chennai-32

3. The Superintendent, Central Prison- 1, Puzhal,
Chennai.

4. The Public Prosecutor, High Court, Madras



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