



WEB COPY



Crl.M.P.No.7905 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl. M.P. No. 7905 of 2026

in

Crl. A. No. 575 of 2026

Anthonie @ Gururaj

... Petitioner

Vs.

State represented by
The Inspector of Police,
Odiansalai Police Station,
Pondicherry.
(Crime No. 179 of 2021)

... Respondent

Criminal Miscellaneous Petition filed under Section 430 of the BNSS Act, 2023, seeking suspension of sentence to the appellant in connection with Special Session Case No.104/2023, on the file of the Fast Track Court exclusively to deal with offences under the POCSO Act, at Puducherry dated 25.11.2024 and enlarge the appellant on bail.

For Petitioner : Mr. M. Sivabalan

For Respondent : Mr. M.V. Ramachandra Murthy,
Public Prosecutor, (Puducherry)



Crl.M.P.No.7905 of 2026

ORDER

WEB COPY

This petition has been filed seeking suspension of sentence imposed on the petitioner in Special Sessions Case No.104 of 2023, on the file of the Fast Track Court exclusively dealing with offences under the POCSO Act, Puducherry, by judgment dated 25.11.2024 and to enlarge the petitioner on bail.

2. The petitioner / accused was convicted by the trial Court in Spl.S.C.No.104 of 2023, by judgment dated 25.11.2024, and sentenced to undergo rigorous imprisonment for 20 years and to pay a fine of Rs.10,000/- for the offence under Section 6 of the POCSO Act and to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/- for the offence under Section 342 IPC. Aggrieved by the said conviction and sentence, the petitioner has filed this petition seeking suspension of sentence.

3. The contention of the petitioner is that he was aged about 67 years at the time of the alleged occurrence and that the prosecution has projected the case as though he had committed penetrative sexual assault on the victim girl. It is further contended that there are material contradictions in the



statement of the witnesses. The prosecution has examined PW6 and PW7 as eye witnesses to establish that the petitioner had repeatedly committed penetrative sexual assault on the victim and that he was seen along with the victim inside the room. However, the evidence of PW1 is contrary to the evidence of PW6 and PW7.

3.1. It is further contended that the petitioner is suffering from a serious heart ailment and has been advised to undergo bypass surgery. Hence, the petitioner sought for bail on medical grounds.

3.2. In support of the above contention, the petitioner has produced the medical report issued by the Indira Gandhi Government General Hospital and Post Graduate Institute, Puducherry dated 31.01.2025, wherein, the doctors have diagnosed him with Triple Vessel Disease and advised him to undergo bypass surgery.

4. The learned Public Prosecutor (Puducherry) strongly opposed the petitioner's contention and submitted that the victim was a 10 year old child and that the charge of penetrative sexual assault against the petitioner stands proved by the statement of the victim as well as the DNA report, Ex.P14. The DNA report is based on the analysis of seminal stains detected on the



underwear of the petitioner and the victim girl, which confirms evidence suggestive of vaginal intercourse.

WEB COPY

4.1. It was further submitted that the trial Court examined 13 prosecution witnesses, PW1 to PW13, marked Exs.P1 to P15 on the side of the prosecution and produced material objects, M.O.1 to M.O.10. The Court also examined CW1, the Headmistress of the Government Girls Higher Secondary School, Puducherry and marked Ex.C1, the extract of the school admission records produced. Based on the evidence of the victim, PW1, her father, sister, grandmother and aunt were examined as PW2 to PW6, together with the medical and forensic report, the trial Court rightly convicted the petitioner.

4.2. With regard to the petitioner's medical condition, it was submitted that, pursuant to the direction of this Court, a status report dated 08.07.2026 was produced. The report reveals that the petitioner was admitted to the Indira Gandhi Government General Hospital and Post Graduate Institute, Puducherry, on 28.01.2025, underwent coronary angiography on 31.01.2025 and was discharged on 01.02.2025. It further states that the petitioner is presently on regular medication, is in stable health and that necessary medical treatment would be provided at the Government Hospital whenever



required. The medical report also indicates that there is no immediate necessity for bypass surgery.

WEB COPY

5. Considering the submissions and upon perusal of the materials, this Court is of the view that the petitioner has not made out a case for suspension of sentence on merits. Insofar as the medical grounds are concerned, a report of the Superintendent, Central Prison, has been placed before this Court, which is extracted hereunder:

“As per the sentenced passed by the Hon’ble Fast Track Court, POCSO Act, Puducherry in Spl.S.C.No.104/2023 dated 25.11.2024 one convict prisoner by name Anthonic @ Gururaj S/o Manickasamy has been admitted in the Central Prison, Puducherry on 25.11.2024 for his involvement in Cr.No.179/2021 of Odiansalai Police Station, Puducherry. Thereafter as per the reference of the Prison Medical Officer, Central Prison, Puducherry, the prisoner has been send to the Indira Gandhi Government General Hospital & Post Graduate Institute, Puducherry and admitted on 28.01.2025 and operation of Coronary Angiography was done to the prisoner on 31.01.2025. Thereafter the prisoner was discharged from the Hospital on 01.02.2025 and as of now, the prisoner is taking continue tablet for his heart disease. The Medical records of the



Crl.M.P.No.7905 of 2026

prisoner is herewith enclosed for kind perusal.”

WEB COPY

6. In view of the above, this Court finds no reason to grant suspension of sentence and enlarge the petitioner on bail either on merits or on medical grounds.

7. Accordingly, this Criminal Miscellaneous Petition is dismissed.

08.07.2026

Neutral Citation: Yes/No
AT

To

- 1.The Fast Track Court Exclusively to deal with Offices under the POCSO Act, Puducherry.
- 2.The Inspector of Police,
Odiansalai Police Station,
Pondicherry.
- 3.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.M.P.No.7905 of 2026

M.NIRMAL KUMAR, J.

AT

Crl. M.P. No. 7905 of 2026 in
Crl. A. No. 575 of 2026

08.07.2026