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Crl.M.P.No.9106 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl. M.P. No. 9106 of 2026

in

Crl. A. No. 677 of 2026

Rajendran @ SonDi Rajendran

... Petitioner

Vs.

The State Represented by its;
The Inspector of Police,
Madukkarai Police Station,
Coimbatore District.
(Crime No. 620 of 2021)

... Respondent

To suspend the sentence which was imposed on the petitioner in Spl.S.C.No.202 of 2022, dated 03.02.2024, on the file of the learned Principal Special Court for Exclusive Trial for Cases under POCSO Act, Coimbatore and enlarge the petitioner on bail.

For Petitioner : Mr. S. Selvakumar

For Respondent : Ms. Sharada Vivek,
Government Advocate (Crl.Side)



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ORDER

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The petitioner / accused was convicted by the trial Court in Spl.S.C.No.202 of 2022 by judgment dated 03.02.2024 and sentenced to undergo seven years rigorous imprisonment and to pay a fine of Rs.5,000/- for the offence under Section 9(l), 9(n), punishable under Section 10 of the POCSO Act. Aggrieved by the said judgment of conviction and sentence, the present petition has been filed.

2. The case of the prosecution is that the petitioner is the biological father of the victim girl. When the victim was studying 3rd Standard, her biological mother married another man and shifted to Karnataka, where they resided for some time. The victim was also taken there, where she was allegedly forced to do manual labour and subjected to ill-treatment. Thereafter, the victim returned to her paternal grandmother's house and started residing with her grandmother and the petitioner. Since they were residing in a small portion of the house, the victim and the petitioner shared the same bed. It is the further case of the prosecution that the petitioner, who was addicted to alcohol, used to return home every day after consuming alcohol and would place his legs over the victim and touch her breast,

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thereby repeatedly committing sexual assault on her. Thus, the petitioner committed aggravated sexual assault. During trial, the prosecution examined PW1 to PW14, marked Exs.P1 to P16 and Ex.C1.

3. The learned counsel for the petitioner submitted that the petitioner had earlier married one Lakshmi and that the victim was born to them. Thereafter, Lakshmi, intending to lead her own life, deserted the petitioner, married another person and started residing in the State of Karnataka. The victim initially stayed with her mother, but later returned and started residing with the petitioner, who was living with his mother. The victim used to attend school from the petitioner's house.

3.1. The learned counsel further submitted that the petitioner questioned the victim after noticing her use of a mobile phone. The victim, at the instance of her classmates and friends lodged a false complaint by contacting the Child Helpline. It was further contended that the Child Helpline without conducting proper enquiry, recorded the statement of the victim, based on which the complaint was lodged and the present case came to be registered. The learned counsel further submitted that, since petitioner is the biological father of the victim, the trial Court took strong view against



him, by overlooking the contradictions and improbabilities in the prosecution case.

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3.2. Without going into the merits of the case, the learned counsel further submitted that the petitioner has been in custody for more than four years as against the sentence of seven years rigorous imprisonment. In support of his contentions, the learned counsel for the petitioner relied upon the judgment of the Hon'ble Supreme Court in ***Saibaj Noormohammad Shaikh v. State of Maharashtra and Another***, the relevant portion of which reads as follows:

“11. We have considered the submissions advanced at the Bar. We find that in the first place, the appeal is filed by the appellant herein before the High Court, which is of the year 2020. obviously, older appeals would be heard prior to this appeal being considered. We also notice that the co-accused has been released on bail by the High Court. Further, the appellant has already completed a little more than half the sentence imposed by the Sessions Court. There is no likelihood of the sentence being enhanced as such by the High Court. In the circumstances, we find that the appellant is entitled to suspension of sentence and release on bail.”

The Apex Court, in the aforesaid judgment, held that the petitioner there was entitled to suspension of sentence, as he had already undergone a



little more than half of the sentence imposed on him. The petitioner herein is also similarly placed.

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4. The learned Government Advocate filed a counter affidavit and strongly opposed the contention of the petitioner on merits. However, she fairly submitted that the petitioner has undergone incarceration for more than four years, two months and ten days, which is extracted hereunder:

S.No.	Description	Date	Remand Period
1	Accused remand	12.01.2022	1 years 1 month
2	Accused Bail	09.03.2023	29 days
3	Accused NBW	27.03.2023	
4	NBW Execution	03.07.2023	3 years 11 days
5	Judgment to till date	03.02.2024 to 13.07.2026	

5. In view of the long period of incarceration undergone by the petitioner and the appeal is not likely to be taken shortly, and having regard to the principles laid down by the Hon'ble Supreme Court in the aforesaid judgment, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

6. Accordingly, the substantive sentence of imprisonment imposed on the petitioner is suspended till the disposal of the appeal and he is ordered to



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be enlarged on bail, on condition that he shall execute a bond for a sum of Rs.5,000/- (Rupees Five thousand only) with two sureties, each for a like sum to the satisfaction of the trial Court.

7. Further, the petitioner shall appear before the Trial Court once in three months at 10.30 a.m. on the first working day of the month, until the disposal of the appeal and if he is not able to appear before the Trial Court on that day, he shall make arrangements to file an application under Section 317 Cr.P.C. 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.

8. Accordingly, this Criminal Miscellaneous Petition is ordered.

21.07.2026

Neutral Citation: Yes/No
AT

Note: Issue order copy on 21.07.2026



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To

1.The Principal Special Court for Exclusive Trial for Cases under POCSO Act, Coimbatore.

2.The Inspector of Police,
Madukkarai Police Station,
Coimbatore District.

3.The Central Prison,
Coimbatore.

4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

AT

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