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CRL MP No. 9655 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 21-08-2026**

CORAM

**THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR**

**CRL MP No. 9655 of 2026**

**in**

**CRL A No. 707 of 2026**

Vinoth

Petitioner(s)

Vs

The State Represented by its  
The Inspector of Police  
All Women Police Station,  
Melmaruvathur, Chengalpattu District.  
Crime No.5 of 2023

Respondent(s)

**PRAYER:** Criminal Miscellaneous Petition filed under Section 415(2) of BNSS, 2023, to suspend the execution of the order passed against the petitioner in Spl.S.C.No.61 of 2023 on 21.04.2026 by the Session Judge, Special Court for exclusive trial of cases under POCSO Act, Chengalpattu, and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner(s): Mr.A.Nileshram  
Mr.P.Anbazhagan

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

**ORDER**

This Criminal Miscellaneous Petition has been filed seeking the suspension of sentence and grant of bail to the petitioner/appellant, pending disposal of the main criminal appeal. The petitioner is challenging the judgment dated 21.04.2026 passed by the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Chengalpattu in Spl.S.C.No.61 of 2023.

2. The conviction and sentence imposed on the petitioner/appellant, vide impugned judgment dated 21.04.2026 are as follows:-

| <b><i>Sl.<br/>No.</i></b>                                  | <b><i>Sections</i></b>     | <b><i>Imprisonment</i></b>                                                                                                | <b><i>Fine amount</i></b> |
|------------------------------------------------------------|----------------------------|---------------------------------------------------------------------------------------------------------------------------|---------------------------|
| 1.                                                         | U/s. 10 of POCSO Act, 2012 | Rigorous imprisonment for five years and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for 1 year | Rs.1,000/-                |
| 2.                                                         | U/s. 341 IPC               | Sentenced him to undergo one month imprisonment                                                                           |                           |
| The aforesaid sentences were ordered to run consecutively. |                            |                                                                                                                           |                           |



3. Aggrieved by the judgment of conviction and sentence imposed by the trial Court, the appellant has filed the present criminal appeal, along with a criminal miscellaneous petition, seeking suspension of sentence and bail.

4. The case of the prosecution is that the victim girl, a 10th-standard student born on 26.09.2007, was approximately 15 years old at the time of the incident. She regularly used to go to school by Government bus. On 21.01.2023, after school hours, she boarded the bus to return home and alighted at the Mangalapettai bus stop. Around 05:30 PM, while she was walking in a mud road through Anna Nagar in Karikili Village, the accused wrongfully restrained her and questioned her about her school. When she refused to answer, the accused allegedly grabbed and twisted both her hands, punched her in the face, and dragged her. Upon the victim crying out for help, the onlookers rushed to the spot, causing the appellant to flee. The victim subsequently narrated the incident to her mother and was taken to a private nursing home. The victim narrated the incident to the doctor and thereafter, lodged a complaint pursuant to which FIR in Crime No.5 of 2023 came to be registered for the alleged offence under 354 IPC and Section 11(i), r/w 12 of POCSO Act.



5. During the trial, the prosecution examined witnesses P.W1 to P.W.11, marked Exhibits P1 to P18. On the side of the defence, DW1 was examined, and material object M.O.1 was produced.

6. The trial Court, upon considering the oral and documentary evidence and after hearing arguments on both sides, found the appellant guilty of the offence under the POCSO Act, and convicted and sentenced the appellant as stated above, *vide* its judgment dated 21.04.2026.

7. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case. He contended that the incident was merely a road accident where the victim was hit and fell down. However, a false narrative was projected claiming that the petitioner restrained, twisted her hands, and assaulted her. To disprove the prosecution case, the petitioner examined himself as D.W1 and gave his explanation, which was not considered by the trial Court. He further argued that even going by the evidence of the victim P.W.2, it is clear that even if the acts attributed to the petitioner are taken as proved, then also an offence under Section 10 of POCSO Act, cannot be made out and it is only a case of hurt and nothing more. He pointed out that while P.W1. (the father of the victim) and P.W.3 (the mother of the victim) gave



an exaggerated version, they were not eyewitnesses and had only heard about the incident from the victim (P.W.2). Furthermore, it was the victim's mother who narrated the incident to the doctor. He added that while P.W.8 is a Government doctor, the victim appeared only before a private doctor (P.W.7) on 11.02.2023, nearly a month after the alleged incident. He concluded that a mere accident case has been falsely projected as though the petitioner committed sexual assault on the victim.

8. The Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case. She submitted that based on the compliant, a case was registered by the All Women Police Station, Melmaruvathur, Chengalpattu in Crime No.5 of 2023. During the investigation, the victim's statement was recorded, and she was produced before the learned Magistrate for recording her statement under Section 164 of the Cr.P.C. Following the arrest of the accused and his confession, the Investigating Officer altered the charges to Sections 341, 354, 354A(2), and 323 of the IPC, along with Sections 9(i) r/w 10 and 11(1) r/w 12 of the POCSO Act. A final report was subsequently filed and taken on file as Spl.S.C.No.61 of 2023.

9. She further submitted that the victim had been consistent in her statement to her parents, to the Doctor (P.W.7), in her statement recorded under



Section 164 of Cr.P.C., and in her deposition before the trial Court. The victim clearly stated that she was pulled toward a bush with sexual intent. After hearing the noise and cry of her, the appellant fled from the place and the complaint has been immediately lodged before the respondent police. The trial Court considered all these facts and had rightly convicted the accused. Hence, she prayed for dismissal of the present petition.

10. 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.

11. Considering the above submissions made by the learned counsel on either side, it is seen from the statement of the victim (P.W.2) that while she was waking back home, the petitioner stopped her to question her about her school, and upon her refusal to answer, he twisted her hands and gave a punch on her face. Admittedly, except the victim, no other person near the scene of occurrence was examined. It is only the victim who informed her parents P.W.1 and P.W.3. On a prima facie reading of the words spoken to by the petitioner and the actions described, it is clear that there is no sexual intent. To convict a person under the POCSO Act, sexual intent must be present. In view of these contradictions and the arguable nature of the appeal, this Court is inclined to



grant the relief of suspension of sentence and bail to the petitioner.

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12. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended till the disposal of the above criminal appeal and the petitioner is ordered to be released on bail on the following conditions:

(i) The petitioner/Appellant/Accused shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Case under Protection of Children from Sexual Offences act, Chengalpattu;

(ii) The sureties shall affix their photographs and Left Thumb Impressions in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity and;

(iii) The petitioner/Appellant/Accused shall appear before the trial Court at 10.30 a.m., once in every three months, without fail, until further orders;

(iv) 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]***.

**21-08-2026**

Jd

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1. The Learned Sessions Judge, Special Court for Exclusive Trial of Case under Protection of Children from Sexual Offences Act, Chengalpattu.

2. The Inspector of Police

All Women Police Station, Melmaruvathur, Chengalpattu District. Crime No.5 of 2023

3. The public Prosecutor,

Madras High Court, Chennai.



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**M.NIRMAL KUMAR J.**  
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