



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL MP No. 10796 of 2026

AND

CRL A NO. 762 OF 2026

Suresh Anthony Raj
S/o.Velankanni Arokiam,
Alagammal Nagar,
IInd Street,
Nerkundram,
Chennai-600 107.

..Petitioner/Accused

Vs

State by
Inspector of Police,
W-19 All Women Police Station,
Puzhal, Chennai.
Crime No.2/2023.

..Respondent(s)

CRL A No. 762 of 2026

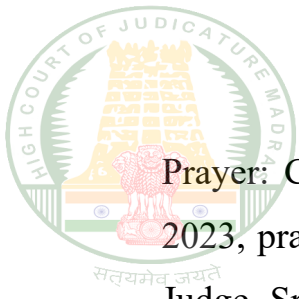
Suresh Anthony Raj
S/o.Velankanni Arokiam,
Alagammal Nagar,
IInd Street,
Nerkundram,
Chennai-600 107.

..Appellant(s)

Vs

State by
Inspector of Police,
W-19 All Women Police Station,
Puzhal,
Chennai.
Cr.No.2/2023.

..Respondent(s)



Prayer: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, 2023, praying to suspend the sentence imposed on him by the learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Tiruvallur in Spl.S.C.No.325 of 2023 by judgment dated 04.06.2026 and enlarge the petitioner on bail pending disposal of the above criminal appeal on the file of this Court.

For Petitioner(s): Mr.S.Sasikumar

For Respondent(s): Mrs.Sharada Vivek
Counsel for Government of Tamilnadu (Crl. Side)

ORDER

The petitioner/Accused in Spl.S.C.No.325 of 2023 was convicted by the Trial Court by the judgment dated 04.06.2026, for the offence under Sections 451, 506(i) of I.P.C. and Section 7 r/w 8 of POCSO Act, 2012 and sentenced to undergo two years rigorous imprisonment and to pay a fine amount of Rs.5,000/-, in default, to undergo six months simple imprisonment for the offence under Section 451 of I.P.C., sentenced to undergo two years rigorous imprisonment and to pay a fine amount of Rs.5,000/-, in default, to undergo six months simple imprisonment for the offence under Section 506(i) of I.P.C., and sentenced to undergo five years rigorous imprisonment and to pay a fine amount of Rs.10,000/-, in default, to undergo two years simple imprisonment for the offence under Section 7 r/w 8 of POCSO Act. The sentences are directed to be run separately. Aggrieved against the said conviction, the petitioner has



preferred the above appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.

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2. The case against the petitioner is that the de facto complainant/PW1, the mother of the victim borrowed a loan of Rs.10,000/- from the petitioner. The petitioner used to collect a sum of Rs.200/- daily, which was the usual practice. There was a default in repayment of the loan, which was questioned by the petitioner and he also forced the de facto complainant to repay the balance loan amount otherwise she would face dire consequences. For this reason, a plan was hatched using the victim girl taking advantage of her minority and it was projected that on 19.08.2023 at about 11.00 a.m., when the petitioner had gone to the PW1's house for collection, he found the victim girl/PW2 alone at home and the petitioner covered her mouth and pressed her chest. At that time, the victim is said to have bitten the thumb of the petitioner, on which he screamed and fled from the scene. The victim had also informed the same to her parents, who laid a trap on the next day creating a similar situation and waited for the petitioner to commit a similar act. On 20.08.2023, the petitioner again had gone there, committed a similar act and was caught red-handed. Thereafter, the petitioner produced before the respondent police and a case was registered.



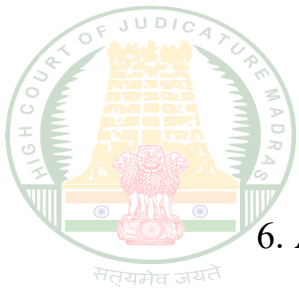
3. The learned counsel for the petitioner submitted that there was no thumb injury as recorded either by the police or at the time of remand. Had the incident had taken place on 19.08.2023 as projected, the bite injury on the left thumb of the petitioner would be very much available. He further submitted that for the non payment of the loan amount, the petitioner has been falsely implicated in this case. Further it also defies normal human conduct, whether a person, who committed offence on 19.08.2023 would continue to visit the victim's house on the next day to commit a similar offence. These facts not considered by the Trial Court. Hence, prayed for granting suspension of sentence to the petitioner.

4. The learned counsel for Government of Tamilnadu (Criminal Side) strongly opposed the petitioner's contention and submitted that in this case the victim is a minor and her date of birth is 09.11.2010. When she was about 13 years old and was sleeping alone at home, the petitioner, who used to come for daily collection of money, found the victim sleeping alone, entered the house, covered her mouth and pressed her chest. At that time, the victim had bitten the left thumb of the petitioner. Thereafter, the victim informed her parents, namely, PW1/mother and PW3/father about the incident. Her parents waited for the next day expecting the petitioner might return and commit a similar act. On the next day, the petitioner again entered the house and committed a similar offence and was caught red-handed and thereafter produced before the



respondent police, who registered the F.I.R. and filed charge sheet. She further submitted that during trial, on the side of the prosecution, PW1 to PW11 examined and Exs.P1 to P12 marked. On the side of the defence no witnesses examined and no documents marked. The Trial Court considered all these facts and rightly convicted the petitioner. Hence, prayed to dismiss the petition.

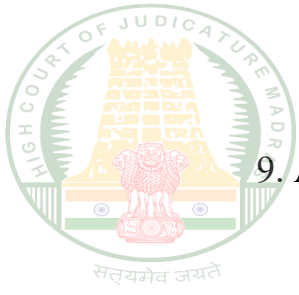
5. Considering the submissions made and on perusal of the materials, the admitted case of the prosecution is that on 19.08.2023, the petitioner entered the house of the victim when she was alone and closed her mouth and pressed her chest. It is also admitted that the petitioner used to visit the house of PW1 daily to collect a sum of Rs.200/- towards repayment of the loan borrowed by the de facto complainant/PW1. It is stated that after committing such an act on 19.08.2023, the petitioner again came to the house on 20.08.2023 and attempted to commit the same act, at that time, he was caught red-handed by PW1, PW3 and PW4, which appears to be highly artificial and defies normal human conduct. Further, there is no material to show that there was any bite mark on the left thumb of the petitioner and there is nothing to show either in the complaint or in the remand report to confirm that any such incident had taken place on 19.08.2023. The petitioner has been regularly visiting the de facto complainant's house for collecting loan amount. Finding that there are arguable points involved in this appeal and it would take some time for the appeal to be taken up for final hearing, this Court is inclined to suspend the sentence imposed on 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 be enlarged on bail, on condition that he 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 trial Court.

7. Further, the petitioner shall appear before the Trial Court once in three months on the first working day at 10.30 a.m., 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. On breach of any of the aforementioned conditions, the learned Trial Judge is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by herself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala** [(2005) 13 SCC 5560].



9. Accordingly, this Criminal Miscellaneous Petition is ordered.

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24-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
RSI

Note: Issue order copy on 24.07.2026.

To

- 1.The Sessions Judge,
Special Court for the Exclusive Trial of
cases under POCSO Act, Tiruvallur.
- 2.The Inspector of Police,
W-19 All Women Police Station,
Puzhal, Chennai.
- 3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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CRL MP No. 10796 of 2



M.NIRMAL KUMAR J.

RSI

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AND
CRL A NO. 762 OF 2026**

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