



WEB COPY



Crl.M.P.No.12354 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl. M.P. No. 12354 of 2026

in

Crl. A. No. 858 of 2026

Ajith Pasavan

... Petitioner

Vs.

State rep., by
The Inspector of Police,
All Women Police Station,
Dharapuram, Tiruppur District.
(Crime No. 5 of 2023)

... Respondent

To suspend the sentence imposed against the petitioner in Spl.S.C.No. 75 of 2025 on the file of the learned Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Tiruppur vide judgment dated 03.06.2026 and enlarge the petitioner on bail.

For Petitioner : Mr. Sujay Prasanna. B.A.
Assisted by Mr. Ashok Kumar. A

For Respondent : Ms. Sharada Vivek,
Government Advocate



Crl.M.P.No.12354 of 2026

ORDER

WEB COPY

The petitioner / accused in Spl.S.C.No.75 of 2025, convicted by the trial Court by judgment dated 03.06.2026 and sentenced to undergo 3 years simple imprisonment and to pay a fine of Rs.10,000/- for the offence under Section 11(iv) punishable under Section 12 of the POCSO Act; 3 years rigorous imprisonment and to pay a fine of Rs.10,000/- for offence under Section 77 of BNS; and 1 year rigorous imprisonment and to pay a fine of Rs.5,000/- for offence under Section 238 of the BNS, has filed this suspension of sentence / bail petition.

2. The learned counsel for the petitioner contended that the petitioner was a mason working under PW4. According to the prosecution, the petitioner recorded PW1 on his mobile phone while she was taking a bath. On noticing the same, PW2, the mother of PW1, questioned the petitioner, and he took to his heels. While chased, he allegedly threw the mobile phone into a fire. Thereafter, he was caught and the mobile phone was retrieved but it was damaged beyond repair and no data could be retrieved from it.



WEB COPY

2.1. It is further submitted that PW1, in her evidence, stated that she did not see any person and only noticed a mobile phone. It is also contended that DW1 to DW3, who are co-workers with the petitioner, they supported his defence by deposing that there was a dispute during construction work and that the said dispute magnified and a false case projected against the petitioner.

3. The learned Government Advocate submitted that the prosecution examined six witnesses. PW1 is the victim; PW2 is the mother of the victim; PW4 is the Site Engineer; PW3 and PW5 are the witnesses to the observation mahazar and rough sketch; and PW6 is the Investigating Officer. She fairly submitted that, except for the evidence of PW1 and PW2, there are no other eyewitnesses to the occurrence. According to the evidence of PW1, she only noticed a mobile phone and not seen the person who allegedly recorded her bath. PW2, the mother of the victim, deposed that she saw the petitioner and chased him, and he threw the mobile phone into the fire. It was further submitted that DW1 to DW3 deposed that the petitioner was working along with them as a mason under PW4 and there was dispute



in the construction site with PW2.

WEB COPY

4. From the submissions, it is seen that the entire case revolves around the mobile phone. According to the prosecution, PW2 chased the petitioner, during the chase the petitioner threw his mobile phone into the fire. The evidence of DW1 to DW3 is that, PW2 brought a damaged mobile phone and threw it into the fire. Admittedly, no electronic evidence could be recovered to establish that PW1 recorded while PW1 was taking her bath. Admittedly, there was some dispute in the construction site, which is admitted by PW2. The lower Court already suspended the sentence of the petitioner.

5. This Court is of the view that the appeal raised arguable points requiring consideration. Accordingly, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

6. At this stage, the learned Government Advocate submitted that the petitioner is a native of the State of Bihar and therefore, appropriate conditions may be imposed to ensure the petitioner's availability during the



Crl.M.P.No.12354 of 2026

pendency of the appeal.

WEB COPY

7. The learned counsel for the petitioner on instructions submitted that the petitioner is willing to furnish local sureties.

8. 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.5,000/- (Rupees Five thousand only) with two sureties, each for a like sum to the satisfaction of the trial Court.

9. 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.

10. Accordingly, this Criminal Miscellaneous Petition is ordered.

15.07.2026

Neutral Citation: Yes/No

AT

Note: Issue order copy on 15.07.2026

5/6



WEB COPY



Crl.M.P.No.12354 of 2026

M.NIRMAL KUMAR, J.

AT

To

1.The Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court),
Tiruppur.

2.The Inspector of Police,
All Women Police Station,
Dharapuram, Tiruppur District.

3.The Central Prison,
Coimbatore.

4.The Public Prosecutor,
High Court of Madras.

Crl. M.P. No. 12354 of 2026 in
Crl. A. No. 858 of 2026

15.07.2026

6/6