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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL MP No. 12480 of 2026
in
CRL A NO. 866 OF 2026

Baskaran @ Vinoth
S/o.Rukkukmankatharaja,
No.1/46, Keezh Bajanai Koil Street,
Kuppampattu,
Anaicut Taluk,
Vellore District.

..Petitioner(s)

Vs

The State rep by
The Inspector of Police,
Veppankuppam Police Station,
Vellore District.
Crime No.95/2025

..Respondent(s)

CRL A No. 866 of 2026

Baskaran @ Vinoth
S/o.Rukkukmankatharaja,
No.1/46, Keezh Bajanai Koil Street,
Kuppampattu,
Anaicut Taluk,
Vellore District.

..Appellant(s)

Vs

The State rep by The Insepctor of Police,
Veppankuppam Police Station,
Vellore District.
Crime No.95/2025

..Respondent(s)

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Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., 2023, praying to suspend the sentence imposed against the petitioner in Spl.S.C.No.66 of 2025 on the file of the Special Court to deal with cases related to Protection of Children from Sexual Offences (POCSO) Act, Vellore, Vellore District and set aside the Judgment dated 30.06.2026 and enlarge the petitioner on bail.

For Petitioner(s): Mr.E.Kannadasan

For Respondent(s): Mr.Durai Gunasekaran
Government Advocate (Crl. Side)
Assisted by Mr.M.Arul Raj

ORDER

The petitioner/Accused in Spl.S.C.No.66 of 2025 was convicted by the Trial Court by the judgment dated 30.06.2026, for offence under Sections 9(i) r/w 10 and Section 7 r/w 8 of the Protection of Children from Sexual Offences Act ('POCSO Act') and sentenced to undergo five years rigorous imprisonment and to pay a fine amount of Rs.10,000/-, in default, to undergo one year simple imprisonment for the offence under Sections 9(i) r/w 10 of POCSO Act. As far as charges under Section 7 r/w 8 of POCSO Act is concerned, since the accused was found guilty under Sections 9(i) r/w 10 of POCSO Act, the major offence, no separate punishment was given under Sections 7 and 8 of POCSO Act. 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 contention of the petitioner is that the petitioner is residing in the opposite house of the de facto complainant/PW1 and the victim/PW2. Earlier there was some dispute between them and there was no cordial relationship. The petitioner found the victim girl talking with a boy at school and informed the de facto complainant and some other villagers about the same, which infuriated the de facto complainant and a false complaint lodged. According to the de facto complainant, on the date of occurrence, three carpenters were working in the house, of whom, two were working inside the house and one was fixing the window panel. At the time, the de facto complainant asked the victim to oversee the work and went to take a bath. At that time, the petitioner said to have entered the house, hugged the victim girl, kissed her on her cheeks, bit her neck and molested her.

3.He further submitted that in this case, PW2/victim admits that she has not raised any alarm or drawn the attention of the three carpenters, who were working in the house. When PW1/mother came out after taking a bath, she found the victim crying and the victim informed her about the incident. However, the complaint lodged three days after the occurrence. PW1 and PW2 admit that they neither gone to the Doctor for treatment nor lodged a complaint before the police immediately, and only an online complaint lodged. PW1/mother gives explanation that the injuries were not visible and later when her daughter informed about the injury, she applied coconut oil. Further PW1

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earlier lodged a complaint against her father-in-law alleging some misbehaviour. PW1, being a widow lady, is in the habit of lodging false complaints to keep others at bay. Hence, prayed for granting suspension of sentence to the petitioner.

4.The learned Government Advocate (Criminal Side) strongly opposed the petitioner's contention and submitted that in this case the petitioner is residing in the house opposite to the victim. On the date of occurrence, the de facto complainant went to take a bath. Finding the victim alone inside the house, the petitioner entered the house, enquired about her studies, later pushed her against the wall, hugged her, kissed her on her cheeks, bit her neck and also molested her. The victim was in a state of shock. After PW1/mother came out from taking a bath, the victim informed her that the petitioner molested her. It took some time for them to come out of the shock and three days later, lodged a complaint that the petitioner hugged the victim girl, kissed her on her cheeks, bit her neck and molested her and native treatment of applying coconut oil was done by the mother. In this case PW3, PW4 and PW5, the carpenters not supported the case of the prosecution but the victim and her mother clearly deposed about the act of the petitioner. He further submitted that during trial PW1 to PW9 examined and Exs.P1 to P11 marked. The Trial Court considering the evidence of witnesses and materials produced had rightly convicted the petitioner. Hence, he prayed to dismiss the petition.

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5. Considering the submissions made and on perusal of the materials, it is seen that the petitioner is residing in the opposite house of the de facto complainant and both families have been residing there for a long time, but there is no cordial relationship between them. On the date of occurrence, PW1/mother went to take bath, at that time, the petitioner is said to have entered the house, hugged the victim girl, kissed her on her cheeks, bit her neck and also molested her. It is admitted by PW1 and PW2 that the victim was not taken to Doctor for any treatment. PW1 initially states that injuries were not visible, later only her daughter informed about the injuries, which may not be proper. If there is any injuries available on the cheeks and neck, it would be very much visible. Further in this case, the complaint is with a delay of three days and it is a online complaint. In this case PW3, PW4 and PW5 were carpenters, who were fixing the window panel and were present at that time of alleged occurrence not supported the prosecution case, further victim not raised any alarm and there was no commotion. It is also seen that the victim was studying 11th standard at that point of time and is now studying in the 12th standard in another school, which would probabilise the defence of the petitioner that the victim was found talking alone to a boy in school, which the petitioner questioned and informed her parents and others and hence, there is a motive. 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.

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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].

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9. Accordingly, this Criminal Miscellaneous Petition is ordered.

06-08-2026

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

Note: Issue order copy on 07.08.2026.

To

1.The Sessions Judge,
Special Court to deal with cases related to POCSO Act,
Vellore, Vellore District.

2.The Inspector of Police,
Veppankuppam Police Station,
Vellore District.

3.The Superintendent of Prison,
Central Prison, Vellore.

4.The Public Prosecutor,
High Court of Madras.

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