



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2026

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP No. 13437 of 2026

in

CRL A No. 914 of 2026

Gurunathan

Appellant(s)

Vs

The State Rep by
Inspector of Police,
Vennandur Police Station,
Namakkal District.

Respondent(s)

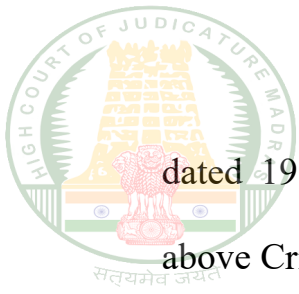
PRAYER: Criminal Miscellaneous Petition filed under Section 415(3) of BNSS, 2023, to suspend the sentence imposed on the petitioner in Spl.C.C.No.32 of 2021 by the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Namakkal dated 19.06.2026 and release the petitioner on bail pending disposal of the above Criminal appeal and render Justice.

For Appellant(s): Mr.B.Thirumalai

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

ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence imposed on the petitioner in Spl.C.C.No.32 of 2021 by the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Namakkal



dated 19.06.2026 and release the petitioner on bail pending disposal of the above Criminal appeal.

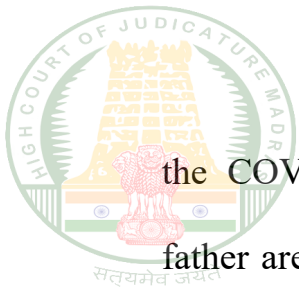
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2. The conviction and sentence imposed on the petitioner/appellant, vide impugned judgment dated 19.06.2026 are as follows:-

<i>Sl. No.</i>	<i>Section</i>	<i>Imprisonment</i>	<i>Fine amount</i>
1.	U/s. 451 of IPC	Sentenced to Rigorous Imprisonment for 1 year and imposed a fine of Rs.500/- (Five Hundred) in default to undergo Simple Imprisonment for two months.	Rs.500/-
2.	U/s.7 r/w 8 of Protection of Children from Sexual Offences Act, 2012.	Sentenced to Rigorous Imprisonment for 3 years and imposed a fine of Rs.2,000/- (Two Thousand Only) in default to undergo Simple Imprisonment for three months.	Rs.2,000/-

3. Aggrieved by the same, the petitioner has filed Crl.A.No.914 of 2026 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

4. The case of the prosecution is that the victim, a 14-year-old girl studying in the 9th standard, was staying at home attending online classes due to

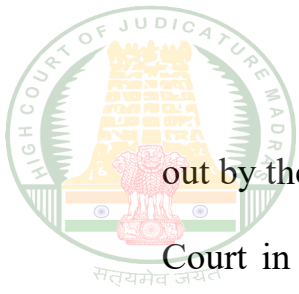


the COVID-19 pandemic school lockdown. The appellant and the victim's father are friends. On the day of the occurrence, i.e., 24.03.2021 at about 2:00 p.m., the victim's parents were out of station, leaving the victim and her grandmother alone in the house. While the victim was sleeping in her room, the appellant trespassed into the house with criminal intent to commit sexual assault and outraged her modesty by lifting her nighty up to her knees. Subsequently, on 04.04.2021 at about 4:30 a.m., the victim's mother lodged a complaint before the respondent, following which a case was registered in Crime No. 275 of 2021 against the appellant for the aforementioned offences.

5. The learned counsel for petitioner would submit that there are several inconsistencies in the evidence of the victim girl and other witnesses; that the petitioner has raised substantial grounds in the above appeal which require consideration. He further submitted that there was a money dispute between P.W.3 and the appellant; and that the appellant went to the house of the P.W.2 and P.W.3 is imaginary for the purpose of case.

6. Heard the learned Government Advocate (Crl. Side) for the respondent and perused the materials available on record.

7. The petitioner has raised substantial grounds in the above appeal. *Prima facie*, there appears to be several inconsistencies in the evidence pointed



out by the learned counsel for the petitioner which requires consideration by this Court in the criminal appeal. The trial Court already suspended the sentence.

The appeal is not likely to be taken up in the near future. Hence, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

8. 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, Magalir Neethimandram (Fast Track Mahila Court), Namakkal;

(ii) The Petitioner/Appellant/Accused and 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



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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]***.

9. Accordingly, this Criminal Miscellaneous Petition stands ordered.

28-07-2026

Jd

Neutral Citation:Yes/No

To

1. The Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Namakkal.

2. Inspector of Police,
Vennandur Police Station,
Namakkal District.

3. The Public Prosecutor, Madras High Court.



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