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CRL MP No. 15080 of 2  
in Crl.A.No.1018 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 20-08-2026**

CORAM

**THE HON'BLE MR JUSTICE M. NIRMAL KUMAR**

**CRL MP No. 15080 of 2026  
in Crl.A.No.1018 of 2026**

R.Pandiyarajan @ John Obeth,  
S/o. Ravi,  
11, 16<sup>th</sup> Street, Sakthi Nagar,  
Nerkundram, Chennai-107.

..Petitioner(s)

Vs

State Represented by  
The Inspector of Police,  
W-8, All Women Police Station,  
Thirumangalam, Chennai.  
Crime No. 24 of 2021.

..Respondent(s)

**PRAYER:** Criminal Miscellaneous Petition filed under Section 430 of BNSS, praying to suspend the Sentence imposed by the learned Sessions Judge, Mahalir Neethimandram Allikulam. Chennai, in Spl SC No.152 of 2022 dated 31.07.2026 and enlarge the Petitioner on bail pending disposal of the Criminal Appeal.

For Petitioner(s): Mr.R.Vivekananthan

For Respondent(s): Mrs.Sharada Vivek,  
Government Advocate (Crl.Side)  
Assisted by Mr.M.Arul Raj



## **ORDER**

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence of imprisonment imposed by the judgment dated 31.07.2026 passed in Spl.S.C.No.152 of 2022 by the learned Sessions Judge, Mahalir Neethimandram (Allikulam), Chennai, and to enlarge the petitioner on bail pending disposal of the above Criminal Appeal before this Court.

2. The conviction and sentence imposed on the petitioner/appellant vide the impugned judgment dated 31.07.2026 are as follows:

| Section                    | Imprisonment                                                                                                                                                                                                           | Fine amount   |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| Section 6 of the POCSO Act | Sentenced to undergo Rigorous Imprisonment for a period of twenty years each and to pay a fine of Rs.10,000/-, and in default of payment of fine, the accused shall undergo further six months of simple imprisonment. | Rs.5,00,000/- |

3. Aggrieved by the said conviction and sentence, the petitioner has preferred Crl.A.No.1018 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 (PW2) and the petitioner got acquainted through Instagram while studying at SBOA Matriculation School. This came to the knowledge of the parents of the victim, who warned



the victim, after which there was no contact between them for some period.

During the 2020 COVID-19 lockdown, the victim's parents provided her with a mobile phone to attend online classes, through which their relationship was renewed, and they remained in constant touch. Without the knowledge of the parents, the petitioner and the victim used to meet at her house and roam around in several places. During July 2021, the petitioner allegedly entered the house of the victim, went to the first floor through the balcony, and committed penetrative sexual assault. Coming to know about the same, the mother of the victim (PW1) lodged a complaint. The victim is stated to be a minor with her date of birth recorded as 05.09.2004. On completion of the investigation, a charge sheet was filed against the accused. During the trial, PW1 to PW9 were examined, Exs.P1 to P20 were marked, and Material Objects MO1 and MO2 were produced.

5. The learned counsel for the petitioner submitted that the victim and the petitioner were in love with each other, which has not been denied by the victim. Since the petitioner was not equally placed socially and economically, the marriage proposal was not agreeable to her parents, and hence, to keep the petitioner away, PW1 lodged a false complaint as if the petitioner had committed forcible penetrative sexual assault. The victim, in her statement before the police, her statement under Section 164 of Cr.P.C., and her evidence before the Trial Court, has been consistent that the petitioner and the victim



were in love, and it was the victim who had called the petitioner to her house, leading to a consensual physical relationship. It is further submitted that the victim is the adopted child of PW1 and PW3. While her date of birth is stated to be 05.09.2004, her birth certificate was registered only in the year 2007, and her exact date of birth was not known to the parents. PW1 admitted that the victim was adopted through the Child Welfare Committee, and the date of birth was fixed based on the details provided by the Committee. At the time of the alleged relationship, the victim was 17 years and three months old, only few months short of majority. The petitioner is a B.Sc. Graduate and remains willing to marry the victim, and the victim is also agreeable, but for the objections of her parents due to differences in social status. It is further contended that though it was recorded in the Section 164 Cr.P.C. statement that they had physical relationship 5 to 10 times, the victim does not confirm the same in her deposition before the Trial Court. The case was registered solely because the love affair came to the knowledge of the parents.

6. The learned Government Advocate (Criminal Side) appearing for the respondent police filed objections and submitted that the victim, whose date of birth was 05.09.2004, was studying in Class XII at SBOA Matriculation School, Thirumangalam, Chennai, and was a minor aged about 16 to 17 years during the period of occurrence from July 2021 to September 2021. When the victim was studying in Class IX, PW1 came to know that the victim was communicating



with the accused, John Obeth, through Instagram, following which the family members warned the accused and escorted the victim to and from school.

During the COVID-19 lockdown in 2020, the victim was provided with a mobile phone for online classes, through which the accused re-established contact. Subsequently, the de facto complainant discovered that the accused had entered their house during night hours through the balcony attached to the victim's room and had sexual intercourse with her on several occasions between July 2021 and September 2021. On learning of this, PW1 lodged a complaint.

7. It is further submitted by the learned Government Advocate (Criminal Side) that based on the complaint, a case was registered by the Thirumangalam All Women Police Station, Chennai, in Crime No.24 of 2021 under Section 5(1) r/w Section 6 of the POCSO Act against the accused on 06.10.2021 by the then Inspector of Police, Tmt. Bhuvaneshwari. The Trial Court framed charges under Section 5(1) r/w Section 6 of the POCSO Act. During trial, the prosecution examined PW1 to PW9 and marked Exs.P1 to P20 and MO1 and MO2. No witnesses or exhibits were marked on the side of the defence.

8. The learned Government Advocate (Criminal Side) further submitted that the victim clearly deposed that the accused used to enter her room through the balcony during night hours and had physical sexual intercourse with her 5 to 10 times, thereby establishing penetrative sexual assault. PW1 and PW3 also



confirmed the disclosure made to them by the victim. The victim's statement under Section 164 Cr.P.C. was marked as Ex.P4. PW4, the Doctor who examined the victim, confirmed that her hymen was not intact and opined that there was a possibility of sexual intercourse. Furthermore, the photographs marked as Exs.P5 and P6 proved that the petitioner and the victim were maintaining a close relationship. Thus, the Trial Court correctly appreciated the evidence and convicted the petitioner.

9. Heard both sides and perused the materials available on record.

10. Considering the facts and circumstances of the case, there is a finding that the petitioner is aged about 24 years and that the petitioner and the victim were in a love relationship for over three years. The victim herself admits that she used to call the petitioner to her house, that they regularly met in her house and moved together to various places, and that she was 17 years and three months old at the time of the occurrence, which is just a few months short of attaining majority. It appears that due to objections from the parents regarding differences in social status, the love affair led to the filing of the present complaint. Furthermore, in her evidence before the Trial Court, the victim has not specifically provided the details regarding the forcible nature of the physical relationship. Even today, the petitioner expresses his willingness to marry the victim. Hence, this Court is inclined to grant the relief of suspension of sentence



to the petitioner.

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11. 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, Mahalir Neethimandram Allikulam. Chennai;

(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 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]*.



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12. Accordingly, this Criminal Miscellaneous Petition stands ordered.

**20-08-2026**

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

CDA

**NOTE : Issue order copy by 20.08.2026**



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To

- 1.The Sessions Judge, Mahalir Neethimandram Allikulam. Chennai.
- 2.The Inspector of Police,  
W-8, All Women Police Station,  
Thirumangalam, Chennai.
- 3.The Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,  
High Court of Madras.



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**M.NIRMAL KUMAR J.**

CDA

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