



CRL MP(MD)No.4384 of 2026  
in Crl A(MD)No.4272 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.08.2026

CORAM

**THE HONOURABLE MR. JUSTICE B.PUGALENDHI**

**CRL MP(MD)No.4384 of 2026**  
**in**  
**Crl.A.(MD)No.272 of 2026**

Perumal

... Petitioner

Vs

State of Tamil Nadu,  
the Inspector of Police,  
All Women Police Station,  
Thoothukudi,  
Thoothukudi District.  
(in Crime No.18 of 2022)

... Respondent

PRAYER :- Petition filed under Section 430 of BNSS, to suspend the sentence imposed against the petitioner in SplSC.No.24 of 2025 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act Cases, Thoothukudi dated 20.09.2026 and release the petitioner on bail till the disposal of the main criminal appeal.



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For Petitioner : Dr.R.Alagumani

For Respondent : Mr.A.Robinson,  
Counsel for State of Tamil Nadu (Crl. side)

### **ORDER**

The petitioner is sole accused in SplSC.No.24 of 2023 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act Cases, Thoothukudi. By judgment dated 20.09.2024 the petitioner was found guilty, convicted and sentenced to undergo as follows:

| Sl. No | Offence                       | Punishment | Fine amount | Default sentence |
|--------|-------------------------------|------------|-------------|------------------|
| 1      | 448 of IPC                    | 1 year RI  | -           | -                |
| 2      | Section 8 of POCSO Act        | 5 years RI | Rs.5,000/-  | 1 months SI      |
| 3      | Section 4 r/w 18 of POCSO Act | 7 years RI | Rs.5,000/-  | 1 month SI       |

As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in CrlA(MD)No.272 of 2026 along with this petition to suspend the sentence imposed on him by the trial court.



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The appeal has been admitted by this Court on 25.02.2026.

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2.The learned counsel for the petitioner submits that the petitioner was aged about 21 years at the time of occurrence and the victim child was aged about 16 years. They were neighbours and they loved each other. In order to separate them, this complaint has been foisted as against the petitioner. He further submits that the case of the prosecution is that the petitioner entered into the house of the victim, pushed away the petitioner's sister out of the house, locked the door and the neighbours came and rescued the victim. However, none of the neighbours has been examined by the prosecution. Neither the victim nor her sister has sustained any injury in the incident. He further submits in the observation mahazar there is no mention about the back door, however, the prosecution case is that when the neighbours assembled, the petitioner escaped through back door of the house. The petitioner is in jail from 29.02.2024, for nearly 2 ½ years. Therefore, the learned counsel seeks bail.



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3.The learned Government Advocate submits that the parents of the victim were working. The mother of the victim was working in a textile shop. She would return home around 9.30pm daily. On the occurrence day, the father went in search of her mother as she did not return at the usual time. At this time, the victim and her sister alone were in the house. Taking advantage of the loneliness of the children, the petitioner entered into the house, pushed away the sister, locked the door and forcefully attempted to commit rape on the victim child. The victim child was aged about 16 years and 5 months at the time of occurrence. The victim child in her statement recorded under Section 164 CrPC and during the evidence before the court, has narrated the manner in which the occurrence taken take place. The doctor, who examined the victim child found that the hymen was ruptured and there is possibility for sexual assault on the victim.

4.The learned Government Advocate further submits that apart from the evidence of PW2, there are other witnesses, such as sister of the victim and they have substantiated the case of the prosecution. Further the dress worn by the victim at the time of occurrence was also marked as



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MO1. Therefore, the learned Government Advocate submits that the prosecution has established its case beyond reasonable doubt.

5.This court has considered the rival submissions made.

6.The victim girl was aged about 16 years and 5 months at the time of occurrence. Apart from the victim, her sister PW2 was examined by the prosecution. The petitioner is said to have torn the nighty worn by the victim at the time of occurrence and it is marked as a material object. That apart, the Doctor has deposed that there was sexual assault on the victim.

7.Considering the available materials, this court is not inclined to entertain this petition. Accordingly, this petition is dismissed.

**06.08.2026**

DSK



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To  
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1. The Inspector of Police,  
All Women Police Station,  
Thoothukudi,  
Thoothukudi District.
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**B.PUGALENDHI, J.**

DSK

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