

CRL MP(MD)No.3948 of 2026
in CrI.A.(MD)No.252 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.07.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL MP(MD)No.3948 of 2026
in CrI.A.(MD)No.252 of 2026

Aravindhan

... Petitioner/
Sole accused

Vs

State of Tamilnadu Rep by
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District
Crime No.14/2018.

... Respondent

Petition filed under Section 430 of BNSS to suspend the sentence imposed on the petitioner, vide impugned conviction and sentence judgment dated 21.11.2025 made in S.C.No.123/2019 on the file of the learned Sessions Judge, Mahila Court, Tirunelveli pending disposal of the above criminal appeal.

For Petitioner : Mr.M.S.Jeyakarthish

For Respondent : Mrs.V.Moushica,
Government Advocate (Crl. side)



CRL MP(MD)No.3948 of 2026
in CrI.A.(MD)No.252 of 2026

WEB COPY

ORDER

The petitioner is the sole accused in S.C.No.123 of 2019 on the file of the learned Sessions Judge, Mahila Court, Tirunelveli. He was prosecuted for the offence under Sections 451, 376 r/w. 511 IPC that when the victim girl was sitting alone in her veranda, he trespassed into the victim's house and took her to bedroom and attempted to rape her. In conclusion of trial, the trial Court, by Judgment dated 21.11.2025, found the petitioner guilty for the offence under Sections 451, 376(1) r/w. 511 IPC and convicted and sentenced him as under:

Sl.No	Sections	Punishment	Fine amount	Default
1.	451 IPC	2 years RI	Rs.1,000/-	3 months RI
2.	376(1) r/w. 511 IPC	7 years RI	Rs.2,000/-	6 months RI

Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in CrI.A.(MD)No.252 of 2026 and the same has been admitted by this Court on 20.02.2026. Along with the appeal, the petitioner has filed this petition seeking to suspend the sentence.

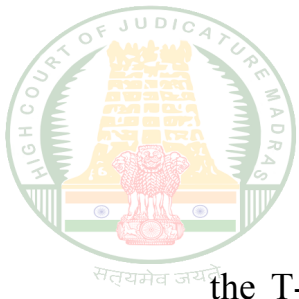


CRL MP(MD)No.3948 of 2026
in CrI.A.(MD)No.252 of 2026

WEB COPY

2. The learned counsel for the petitioner submits that the case of the prosecution is that the petitioner, a neighbour, went to the house of the victim and tried to commit rape on her, which was prevented by the victim. Therefore, the case was registered for the offence under Section 376 r/w. 511 IPC. Though the victim claimed that she resisted the petitioner, she has not suffered any injury and she was not subjected for medical examination. Moreover, the occurrence had taken place on 09.01.2018 at about 7.45 p.m. and the complaint was alleged to have been lodged on the same day at about 10.30 p.m., whereas, the FIR (Ex.P8) has reached the Court with a delay of 8 days. According to the learned counsel, the complaint itself has been foisted after 8 days. Therefore, according to him, there was no occurrence as alleged by the prosecution. However, the trial Court, without considering the material defects, convicted the petitioner and he is in jail from the date of conviction, ie. on 21.11.2025.

3. The learned Government Advocate (Crl. Side) submits that the petitioner is a neighbour of the victim. When P.W.1-victim was alone, he went to the house of the victim and attempted to rape her and he torn



CRL MP(MD)No.3948 of 2026
in CrI.A.(MD)No.252 of 2026

WEB COPY

the T-shirt of the victim. The Prosecution placed the same before the trial Court and marked it as M.O.1. The learned Government Advocate admits that the victim was not subjected for medical examination. However, the case has been registered immediate to the occurrence at about 10.30 p.m.

4. This Court considered the rival submissions made.

5. According to the learned counsel for the petitioner, there was no injury on the victim and there was some delay in FIR reaching the Court. The points raised by the petitioner can be appreciated only during the final hearing of the appeal. However, the appeal could not be taken up for final hearing immediately for want of time. Further, the petitioner is in jail from the date of conviction, ie. from 21.11.2025.

6. Considering the points raised by the petitioner, his period of incarceration and also considering the fact that the appeal could not be taken up for final hearing immediately for want of time, this Court is inclined to suspend the sentence imposed by the trial Court upon the



CRL MP(MD)No.3948 of 2026
in CrI.A.(MD)No.252 of 2026

WEB COPY

petitioner with certain conditions.

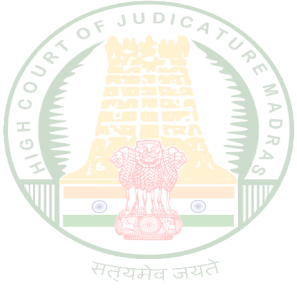
7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate Court, Radhapuram.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address, before the trial Court as well as before the respondent Police. In the event, if there is any change of address, the same shall be intimated to the respondent Police without fail.

(iii) The petitioner shall not misuse the liberty granted to him by indulging in any further offence.

(iv) The petitioner shall stay at Trichy and report before the Inspector of Police, Cantonment Police Station, Trichy, daily at 10.30 a.m. until further orders.



CRL MP(MD)No.3948 of 2026
in CrI.A.(MD)No.252 of 2026

WEB COPY

(v) The petitioner shall stay away from the occurrence village and shall not disturb the victim and her family members at any point of time. The petitioner and sureties shall file undertaking affidavits before the respondent Police to that effect.

(vi) If the petitioner violates any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

20.07.2026

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To

1. The Judicial Magistrate Court,
Radhapuram.
2. The Superintendent,
Central Prison,
Tirunelveli.
3. The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.

6/8



CRL MP(MD)No.3948 of 2026
in CrI.A.(MD)No.252 of 2026

WEB COPY

4. The Inspector of Police,
Cantonment Police Station,
Trichy.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CRL MP(MD)No.3948 of 2026
in Crl.A.(MD)No.252 of 2026

B.PUGALENDHI, J.

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CRL MP(MD)No.3948 of 2026
in Crl.A.(MD)No.252 of 2026

20.07.2026