



CRL MP(MD)No.8998 of 2026
in CRL A(MD)No.494 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21.07.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL MP(MD)No.8998 of 2026
in CRL A(MD)No.494 of 2026

Parthasarathi

... Petitioner/
Sole accused

Vs

State of Tamilnadu Rep by
The Inspector of Police,
Aruppukottai All Women Police Station,
Virudhunagar District.

... Respondent

Petition filed under Section 430 BNSS, to Suspend the Sentence imposed against the petitioner in Spl.S.C.No.112 of 2023 dated 02.08.2024 passed by the Special Court for Exclusive Trial of Cases Under POCSO Act, Virudhunagar District at Srivilliputhur and enlarge the petitioner.

For Petitioner : Mr.J.Vivek

For Respondent : Mr.A.Robinson,
Government Advocate (Crl. Side)



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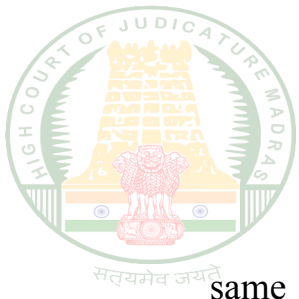
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ORDER

The petitioner is the sole accused in Spl.S.C.No.112 of 2023 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Virudhunagar District at Srivilliputtur. He was prosecuted for the offence under Section 376(3) of IPC and Sections 5(l), 5(j)(ii) r/w. 6 of POCSO Act that he had committed penetrative sexual assault on the victim child, who was aged about 15 years and also made her pregnant. In conclusion of trial, the trial Court, by its Judgment dated 02.08.2024, found the petitioner guilty under Sections 5(l), 5(j)(ii) r/w. 6 of POCSO Act and Section 4(2) of POCSO Act, convicted and sentenced him as under:

Sl. No.	Sections	Punishment	Fine amount	Default
1.	5(l), 5(j)(ii) r/w. 6 of POCSO Act	20 years RI	Rs.2,000/-	3 months SI
2.	4(2) of POCSO Act	20 years RI	Rs.2,000/-	3 months SI

Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.494 of 2026 and the



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same has been admitted by this Court on 30.04.2026. Along with the appeal, the petitioner has moved this petition seeking to suspend the sentence.

2. The learned counsel appearing for the petitioner submitted that this is a case of love affair. At the time of occurrence, the victim was aged about 15 years. The petitioner and the victim loved each other and without knowing the consequences, they had physical relationship. According to the learned counsel, the petitioner is in jail from the date of conviction, ie. from 02.08.2024 and he was also in jail during the trial for two months. Therefore, he prayed to suspend the sentence imposed by the trial Court.

3. The learned Government Advocate (Crl. Side) submitted that the petitioner, by promising to marry the victim child, had physical relationship with her and made her pregnant. The pregnancy was aborted and DNA test was conducted, which proved that the petitioner is a biological father of the fetus. Therefore, according to the learned Government Advocate, the prosecution has established the case as



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against the petitioner and it is not a fit case for grant of bail.

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4. The learned counsel for the petitioner submitted that the victim child has now attained majority and the petitioner is also willing to marry her, if she agrees for the marriage proposal.

5. On the suggestion made by the learned counsel for the petitioner, this Court directed the learned Government Advocate to ascertain as to the wish of the victim. The learned Government Advocate ascertained the same with the respondent Police and submitted that the parents of the victim are not willing for the marriage proposal.

6. This Court considered the rival submissions.

7. The allegation against the petitioner is that the petitioner by promising to marry the victim child, who was aged about 15 years, had physical relationship with her and made her pregnant. The learned counsel for the petitioner claims that the petitioner and the victim had loved each other and without knowing the consequences, the petitioner



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had physical relationship with the victim child. Even now, the petitioner is prepared to marry the victim. However, the parents of the victim are not willing for the marriage proposal.

8. This is a case of Romeo-Juliet and it needs to be considered in a different angle. The children, without knowing the consequences, are having physical relationship. For the mistake committed by the petitioner, he is in jail for the past two years. The petitioner has raised certain grounds, which can be considered only during the final hearing of appeal. However, the appeal could not be taken up immediately for want of time.

9. Considering the period of incarceration undergone by the petitioner, the nature of offence and also 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 against the petitioner with certain conditions.



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10. 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 Special Court for Exclusive Trial of Cases under POCSO Act, Virudhunagar District at Srivilliputhur.

(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 Coimbatore and report before the Inspector of Police, Sundarapuram Police Station, Coimbatore, daily at 10.30 a.m. until further orders.

(v) The petitioner shall stay away from the occurrence village



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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.

21.07.2026

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To

1. The Special Court for Exclusive Trial of Cases
under POCSO Act,
Virudhunagar District at Srivilliputhur.
2. The Superintendent,
Central Prison, Madurai.
3. The Inspector of Police,
Aruppukottai All Women Police Station,
Virudhunagar District.



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B.PUGALENDHI, J.

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

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