

CRL MP(MD). No.12099 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29.07.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL MP(MD)No.12099 of 2026

in

CRL A(MD)No.715 of 2026

Selvaperumal

... Petitioner/
Sole Accused

Vs

State of Tamilnadu Rep by
The Inspector of Police,
All Women Police Station,
Kamudhi,
Ramanathapuram District.

... Respondent

Petition filed under Section 430(1) of BNSS, to suspend the sentence imposed against petitioner by the Fast Track Mahila Court (Mahalir Neethimandram), Ramanathapuram District, by Judgment dated 12.02.2026 in Spl.S.C.No. 66/2024 and release the petitioner on bail till the disposal of the appeal.

For Petitioner : Mr.P.Kottaichamy,

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



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ORDER

The petitioner was prosecuted before the Fast Track Mahila Court, Ramanathapuram, in Spl.S.C.No.66 of 2024, for the offence punishable under Sections 5(j)(ii), 5(l) r/w. Section 6 of POCSO Act. The allegation against the petitioner is that on 30.12.2023, when the victim girl was working in her cow shed, he had forcefully taken her to the nearby bushes and committed penetrative sexual assault and thereafter, he had committed such offence on various times and thereby, making the victim girl pregnant. In conclusion of trial, the trial Court, by its Judgment dated 12.02.2026, found the petitioner guilty and convicted and sentenced him as follows:

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

Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal in Crl.A.(MD)No.715 of 2026 and the same has been admitted by this Court on 24.06.2026. Along with the appeal, the



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petitioner has moved this suspension of sentence.

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2. The learned counsel appearing for the petitioner submits that the petitioner is in jail from the date of conviction, ie. from 12.02.2026 and during the trial, he was also in jail for nearly ten months. According to the learned counsel, it is a case of love affair. However, the respondent Police has filed the final report against the petitioner under the provisions of POCSO Act under the impression that the victim girl is aged below 18 years. The victim girl, in the statement recorded under Section 164 Cr.P.C. stated that she had completed 12th standard and she had a love affair with the petitioner and she had physical relationship with the petitioner, knowing that he has married another girl. According to the learned counsel, the petitioner had a love affair with the victim girl, however, the marriage was performed with another girl.

3. The learned counsel appearing for the petitioner, by relying upon the evidence of the victim girl, submits that it is only a consensual sex. It is further submitted that the age of the victim has been projected by the prosecution that she was aged 17 years and 3 months old at the

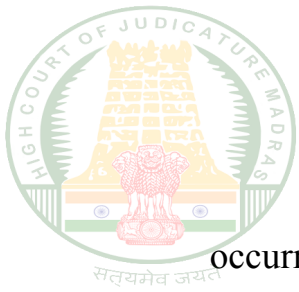


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time of occurrence and the same has been established by producing the certificate issued by the Headmistress to prove the age of the victim girl, but, this, according to the learned counsel, is not proved, when the victim girl has stated in the statement that she had completed 12th standard one year prior to the occurrence.

4. The learned counsel appearing for the petitioner further submits that the alleged occurrence was said to have taken place on 30.12.2023, for which, the complaint was lodged after a period of four months, ie. on 09.05.2024. According to him, it is a case of love affair and the case has been registered against the petitioner, since the victim girl became pregnant. It is further submitted that the Expert, who conducted DNA test, has not been examined by the prosecution. Therefore, there are arguable points in favour of the petitioner. Since the petitioner is in jail from the date of conviction, i.e. from 12.02.2026, he seeks for grant of bail by suspending the sentence imposed by the trial Court.

5. The learned Government Advocate (Crl. Side) submits that the age of the victim girl was 16 years and 5 months old at the time of



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occurrence. The petitioner, a married man, had induced the minor girl and made her pregnant. Further, the DNA test was conducted and the DNA report proved that the petitioner is the biological father of the fetus. She further submits that the prosecution has established the age of the victim girl by marking the transfer certificate through the Headmistress-P.W.11. Therefore, according to her, the age of the victim girl has been proved and the prosecution has also proved the sexual assault committed by this petitioner on the minor victim girl, who was aged 16 years and 5 months old at the time of occurrence. Therefore, she opposed for grant of bail.

6. This Court considered the rival submissions made.

7. At the time of occurrence, the petitioner was on the borderline of attaining majority. The victim girl in her evidence stated that she had a love affair with the petitioner, when she was studying 10th standard. However, the petitioner has married another girl. The victim girl has stated that she was aware of the fact that the petitioner has married to another girl. The petitioner was alleged to have induced the victim girl

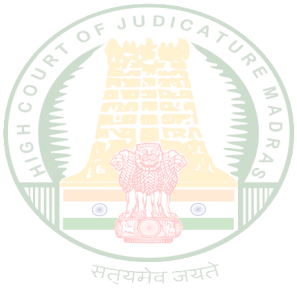


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and had physical relationship. But, the victim girl did not divulge the same to any person and thereafter, she became pregnant and only then, it was known to the mother of the victim girl and after that, the complaint was lodged. It is submitted that the fetus was aborted. The DNA test was conducted and the DNA report proved that the petitioner is the biological father of the fetus. According to the learned counsel for the petitioner, the Expert, who conducted DNA test, has not been examined.

8. The petitioner has raised certain arguable points, which need to be addressed. However, the same can be addressed only during the final hearing of the criminal appeal and for want of time, the appeal could not be taken up for final hearing. Considering the points raised by the petitioner and his period of incarceration, this Court is inclined to grant bail to the petitioner, by suspending the sentence imposed by the trial Court.

9. 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:



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(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 Fast Track Court (Mahalir Needhi Mandram), Ramanathapuram.

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

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



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(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.

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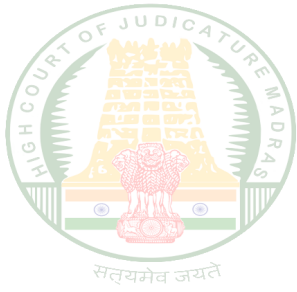
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To

1. The Fast Track Mahila Court,
(Mahalir Needhi Mandram),
Ramanathapuram.
2. The Superintendent,
Central Prison,
Madurai.
3. The Inspector of Police,
All Women Police Station,
Kamudhi,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Inspector of Police,
Tiruppur South Police Station,
Tiruppur



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B.PUGALENDHI, J.

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