



Crl.M.P.(MD)No.12209 of 2026

in Crl.A.(MD)No.432 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.07.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.12209 of 2026

in Crl.A.(MD)No.432 of 2026

Ismail

... Petitioner

versus

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Nilakkottai Police Station,
Dindigul District.

... Respondent

Petition filed under Section 430 of BNSS to suspend the sentence imposed against the petitioner by the Mahalir Fast Track Court, Dindigul, in Spl.S.C.No.109 of 2024, by Judgment dated 08.08.2025 and enlarge the petitioner on bail.

For Petitioner : Mr.C.Mayil Vahana Rajendran

For Respondent : Mr.V.Shathurthi Raja.
Government Advocate (Crl. Side)



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ORDER

The petitioner is the sole accused in Spl.S.C.No.109 of 2024 on the file of the Mahalir Fast Track Court, Dindigul. He was tried for the offence under Section 366 IPC, Section 9 of the Prohibition of Child Marriage Act and Section 6 of POCSO Act that he had abducted the victim girl, tied thalli and thereafter, he had committed penetrative sexual assault on the victim girl. After the trial, the trial Court, by its Judgment dated 08.08.2025, acquitted the petitioner from the charge under Section 9 of the Prohibition of Child Marriage Act, however, found him guilty for the offence under Section 366 IPC, convicted and sentenced him as under:

Sl.No	Sections	Punishment	Fine amount	Default
1.	366 IPC	4 years rigorous imprisonment	Rs.5,000/-	4 months simple imprisonment
2.	6 of POCSO Act	20 years rigorous imprisonment	Rs.5,000/-	6 months simple imprisonment

Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.432 of 2026 and the same has been admitted on 10.04.2026. Along with this appeal, the petitioner has moved this



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petition seeking to suspend the sentence.

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2. The learned counsel appearing for the petitioner submits that the petitioner and the victim girl loved each other and due to the love affair, the victim girl herself eloped with the petitioner. Further, the victim girl, in her statement recorded under Section 164 Cr.P.C. stated that she and the petitioner were in love with each other and she had voluntarily eloped with the petitioner and there was no sexual relationship between them. The learned counsel further submits that the petitioner, without knowing the consequences and without knowing the age of the victim girl, had committed the offence. He further submits that the petitioner is having certain arguable points in this appeal. Since the petitioner is in jail from the date of conviction, he seeks to suspend the sentence imposed against him.

3. The learned Government Advocate (Crl. Side) opposed this petition stating at the time of occurrence, the victim was minor, however, the petitioner, under the pretext of being in love with the victim girl, abducted her, tied thalli and went to various places, where, he had committed penetrative sexual assault on the victim girl.



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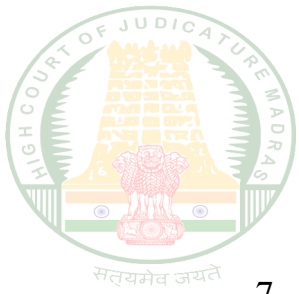
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4. A perusal of the statement of the victim girl recorded under Section 164 Cr.P.C. reveals that she had a love affair with the petitioner and she voluntarily eloped with the petitioner to various places, where, they had a physical relationship. The learned counsel for the petitioner submits that without knowing the age of the victim girl and without knowing the consequences, the petitioner had committed the offence, for which, he is in jail from the date of conviction.

5. Further, the petitioner has raised certain arguable points, which can be considered during the final hearing of the appeal and the appeal could not be taken up for final hearing immediately for want of time.

6. Considering the points raised by the petitioner, his period of incarceration and also considering the fact that this is a case of love affair and the appeal could not be taken up for final hearing immediately, this Court is inclined to suspend the sentence with certain conditions.



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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:

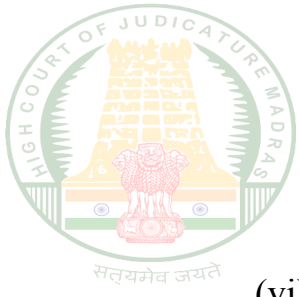
(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Mahalir Fast Track Court, Dindigul.

(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 Chennai and appear before the Inspector of Police, C-1, Flower Bazaar Police Station, Chennai, daily at 10.30 a.m. until further orders.

(v) The petitioner and sureties shall file an affidavit before the respondent Police that the petitioner will not visit the occurrence village and not disturb the victim girl and her family members at any point of time.



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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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To

1. The Mahalir Fast Track Court,
Dindigul.
2. The Superintendent,
Central Prison, Trichy.
3. The Inspector of Police,
Nilakkottai Police Station,
Dindigul District.
4. The Inspector of Police,
C-1, Flower Bazaar Police Station,
Chennai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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B.PUGALENDHI, J.

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