

CRL MP(MD). No.13786 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17.07.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL MP(MD)No.13786 of 2026
in CRL A(MD)No.803 of 2026

Kamalakannan

... Petitioner/
Sole accused

Vs

State of Tamilnadu,
Rep by Inspector of Police,
All Women Police Station-Theni,
Theni District.
Crime No. 59/2023.

... Respondent

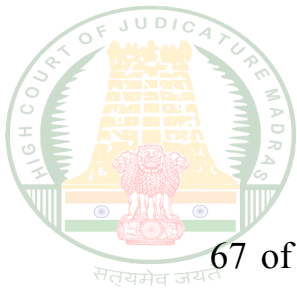
Petition filed under Section 430(1) of BNSS to suspend the sentence of imprisonment imposed by the Principal Special Court for POCSO Act Cases, Theni in Spl.S.C. No. 23/2024 dt. 19.06.2026 and enlarge the petitioner / Appellant on bail, pending disposal of the above said Criminal Appeal.

For Petitioner : Mr.M.Karunanithi

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

ORDER

The petitioner is a Teacher working in a Private School. He was prosecuted for the offence under Sections 11(4) r/w. 12 of POCSO Act,



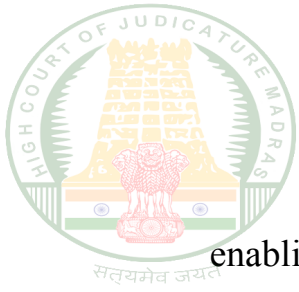
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67 of IT Act and 354(D) of IPC, before the Principal Special Court for POCSO Act Cases, Theni, in Spl.S.C.No.23 of 2024 that he had misbehaved with a student through his mobile phone. The trial Court, by its Judgment dated 19.06.2026, found the petitioner guilty for the offence under Sections 11(4) r/w. 12 of POCSO Act, 67 of IT Act and 354(D) of IPC and convicted and sentenced him as under:

Sl.No	Sections	Punishment	Fine amount	Default
1.	11(4) r/w. 12 of POCSO Act	3 years RI	Rs.10,000/-	2 months SI
2.	67 of IT Act	3 years RI	Rs.1,000/-	2 months SI
3.	354(D) IPC	3 years RI	Rs.1,000/-	2 months SI

Challenging the same, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.803 of 2026 and the same has been admitted by this Court on 15.07.2026. Along with this appeal, the petitioner has moved this petition seeking to suspend the sentence.

2. It is reported that the trial Court, while convicting the petitioner, has suspended the sentence for a period of 30 days, ie. upto 18.07.2026,

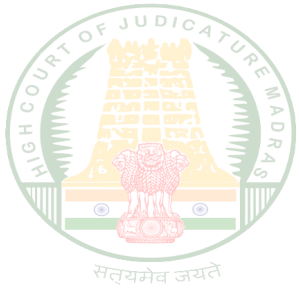


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enabling him to file an appeal.

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3. The learned counsel appearing for the petitioner submitted that the petitioner, a Teacher, has been unnecessarily roped in this case as an accused for the alleged communication from his mobile phone. According to him, the respondent Police has not collected the mobile phone to verify and substantiate that the message alleged in this case has been made from the petitioner's mobile phone. Even assuming that there was a message, that would not attract the offence under Section 354(D) IPC and Section 11(4) of POCSO Act. However, the petitioner was prosecuted for the said offence. The learned counsel further submitted that the petitioner is having certain arguable points in this case and therefore, he may considered for grant of bail. He further submits that though the trial Court has suspended the sentence till 18.07.2026, the petitioner, in order to show his *bona fide*, has surrendered today, ie. 17.07.2026.



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4. The learned Government Advocate (Crl. Side) submits that the petitioner, a Teacher, sent a communication to the victim girl that he loves her. Along with the message, the complaint has been lodged. Therefore, this case has been registered. According to the learned Government Advocate, the mobile phone of the petitioner and the victim girl were recovered and they were subjected for forensic verification.

5. The learned Government Advocate, by referring to the provisions under Section 11(4) of the POCSO Act submits that the alleged communication made by the accused through electronic means, also attracts the offence under Section 11 of POCSO Act and therefore, the conviction under Section 12 of POCSO Act is proper and there is no reason to interfere with the same.

6. This Court considered the rival submissions made.

7. The petitioner is a Teacher. He must be an example to the students. However, he misbehaved with a student. Therefore, he has



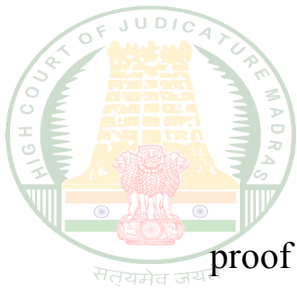
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been prosecuted and convicted for a period of 3 years. The period of sentence has also been suspended by the trial Court upto 18.07.2026. However, the petitioner has surrendered on 17.07.2026, even though the sentence has been suspended till 18.07.2026.

8. Considering the fact that the petitioner is a Teacher and he has surrendered on 17.07.2026 and also considering that the grounds raised by the petitioner can be appreciated only during the final hearing and the appeal could not be taken up for final hearing immediately for want of time, this Court is inclined to suspend the sentence with certain conditions. 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.50,000/- (Rupees fifty thousand only) with two sureties each for a like sum to the satisfaction of the Principal Special Court for POCSO Act Cases, Theni.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in



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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 Thanjavur and report before the Inspector of Police, Thanjavur West Police Station, daily at 10.30 a.m. until further orders.

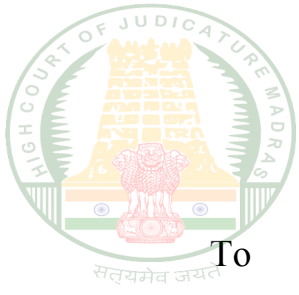
(v) The petitioner shall stay away from the occurrence village and shall not disturb the victim girl and her family members at any point of time. The petitioner and sureties shall file undertaking affidavits before the respondent Police to that effect.

(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.

17.07.2026

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Note: Issue order copy on 20.07.2026



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To

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1. The Principal Special Court for POCSO Act Cases,
Thenai.
2. The Superintendent,
Central Prison,
Madurai.
3. The Inspector of Police,
All Women Police Station-Theni,
Theni District.
4. The Inspector of Police,
Thanjavur West Police Station,
Thanjavur.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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