



CRL MP(MD). No.16033 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21/08/2026

CORAM

THE HONOURABLE MR. JUSTICE S.KARTHIKEYAN

CRL MP(MD). No.16033 of 2026

in

CrI.A(MD)No.791 of 2025

Rathinam

... Petitioner

Vs

State of Tamilnadu
Rep by Inspector of Police,
AWPS-Ambasamudram,
Tirunelveli District,
Crime No.8/2022.

... Respondent

PRAYER :- This petition is filed under Section 389(1) of Cr.P.C under Section 389(1) of Cr.P.C/under Section 430 BNSS to suspend the sentence of imprisonment imposed by the Sessions Judge, Special Court for POCSO Act cases, Tirunelveli in Spl.C.C.No.4/2023 dated 02.07.2025 and enlarge the petitioner/appellant on bail pending disposal of the above said criminal appeal.

For Petitioner : Mr.A.Aruljenifer

For Respondent : Mr.G.Ganesh Kumar

Government Advocate (CrI.Side)

ORDER

The petitioner is sole accused in Spl.C.C.No.4 of 2023 on the file of the Sessions Judge, Special Court for POCSO Act cases, Tirunelveli. By



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judgment dated 02.07.2025, the petitioner was found guilty, convicted and sentenced to undergo 5 years rigorous imprisonment with a fine of Rs.5,000/- and in default to undergo one year rigorous imprisonment for the offence punishable under Section 9(m) r/w Section 10 of the POCSO Act and sentenced to undergo six months of rigorous imprisonment for the offence punishable under Section 506(1) IPC. Challenging the judgment of conviction and sentence, the petitioner has filed an appeal before this Court in CrI.A(MD)No.791 of 2025. Along with the appeal, the petitioner has filed the present petition to suspend the sentence imposed by the trial Court.

2. The learned counsel for the petitioner/appellant submitted that the victim is aged about 7 years and on the date of occurrence, the petitioner/appellant has dashed against the victim and she fell down and her clothes were soiled and the accused attempted to clean the dirt, which was misunderstood by the mother of the victim and the present case is lodged. The learned counsel for the petitioner/appellant would further submit that the mother of the victim is of such nature that she would make a small thing into a big thing and used to give many complaints



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before the police station and the trial court did not appreciate the defence taken in its proper perspective and convicted the petitioner/appellant solely based on the evidence of the victim and hence, he prays for suspension of sentence

3. The learned Government Advocate (Crl.side) has submitted that the victim is aged about 7 years and she has clearly deposed as to the manner in which the offence was committed and the complicity of the accused and the evidence of the victim does not require any corroboration and her evidence could not be shaken by the defence in his cross-examination. The trial court has rightly convicted the petitioner and sentenced him. The learned Government Advocate (Crl.side) strongly opposed to grant suspension and bail to the petitioner.

4. This Court has given its thoughtful consideration for the rival submissions put forth by either side.

5. On perusal of record, it is found that it is the case of the



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prosecution that the petitioner herein sexually assaulted the victim despite her objection. After full-pledged trial, the petitioner was found guilty, convicted and sentenced to undergo 5 years rigorous imprisonment with a fine of Rs.5,000/- and in default to undergo one year rigorous imprisonment for the offence punishable under Section 9(m) r/w Section 10 of the POCSO Act and sentenced to undergo six months of rigorous imprisonment for the offence punishable under Section 506(1) IPC. It is submitted that the petitioner was in custody for about 88 days during pre-trial and he was on bail throughout the trial and the petitioner was taken on judicial custody on the date of judgment and he has been in judicial custody since then i.e for one year and one month. The petitioner has already completed almost 1/4th of his period of sentence. The learned counsel for the petitioner/appellant has made out certain arguable points in this appeal and there is no likelihood of taking up his appeal in the near future. Therefore, this Court is inclined to suspend the sentence and grant bail.

6. Accordingly, this Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone is suspended



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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 a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the Sessions Judge, Special Court for POCSO Act cases, Tirunelveli ;

ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

iii. The petitioner shall appear before the Trial Court, daily at 10.30 a.m., until further orders.

On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the bail.

21.08.2026

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State of Tamilnadu
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S.KARTHIKEYAN,J

CM

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