



CRL MP(MD) NO. 17032 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2026

CORAM

THE HONOURABLE MR.JUSTICE S.KARTHIKEYAN

CRL MP(MD) NO. 17032 of 2026

in

CRL A(MD)No.992 of 2026

Sakthivel

Petitioner(s)

Vs

The State of Tamil Nadu Rep. By,
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
Crime No.915/2020

Respondent(s)

For Petitioner(s):

Mr.K.Navaneetharaja

For Respondent(s):

Mr.G.Ganesh Kumar

Government Advocate (Crl. Side)

Prayer:

To suspend the sentence imposed by the learned Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Dindigul in Spl.S.C.No.36 of 2023 vide judgment dated 29.10.2024 and to enlarge the petitioner/appellant on bail pending disposal of the Criminal Appeal.

ORDER

The petitioner has come up with the present application seeking to suspend the sentence imposed on the petitioner by the Special Court for Exclusive Trial of



cases under POCSO Act, Dindigul District, in Spl.S.C.No.36 of 2023 dated 29.10.2024 and grant bail.

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2. The petitioner/appellant was charged before the Special Court for Exclusive Trial of cases under POCSO Act, Dindigul District for the offences punishable under Section 451 of IPC and Section 9(k) r/w Sections 10 and 18 of the POCSO Act. The Special Court, after trial, found the petitioner guilty of the offences punishable under Section 451 of IPC and Section 9(k) r/w Sections 10 and 18 of the POCSO Act and convicted and sentenced him as follows:

(i) to undergo two years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo six months simple imprisonment for the offence punishable under Section 451 of IPC;

(ii) to undergo five years rigorous imprisonment and to pay a fine of Rs.50,000/-, in default, to undergo one year simple imprisonment for the offence punishable under Section 10 of the POCSO Act;

(iii) to undergo two years rigorous imprisonment and to pay a fine of Rs.20,000/-, in default, to undergo six months simple imprisonment for the offence punishable under Section 18 of the POCSO Act.

The petitioner has preferred the present appeal and sought for suspension of sentence and bail.



3. The learned counsel appearing for the petitioner/appellant submitted that as per the school certificate, the victim is aged about 17 years. In her cross-examination, she clearly admitted that there was a quarrel between the Accused and her family with regard to the drainage issue and that she has deposed only as stated by her paternal uncle and grandmother. The evidence of grandmother, P.W.3, that the victim suffered injury on her chest, is not supported by medical evidence. He further submitted that the petitioner has paid the fine amount as ordered by the Special Court. Therefore, he prays for suspension of sentence and bail to the petitioner/appellant.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the victim was aged about 17 years at the time of occurrence. The petitioner/appellant having known that the victim is a child and suffered with autism, has sexually harassed her by touching her breasts and hip. The Special Court, on appreciation of evidence, found that the petitioner/appellant is guilty of the offences punishable under Section 451 of IPC and Sections 10 and 18 of the POCSO Act. The learned Government Advocate (Crl. Side) has further submitted that since it is only a case of attempt, there is no injury on the body of the victim. Therefore, the medical evidence cannot be put against the prosecution case. Hence, he strongly opposed to grant suspension of sentence and bail to the petitioner/appellant.



5. This Court has given its thoughtful consideration to the rival submissions put forth on either side.

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6. It is the case of the prosecution that the petitioner/appellant has sexually abused the victim by touching her breasts and hip. Regarding the age of the victim, there is no concrete evidence. As per the evidence of P.W.8, Headmaster, the victim was born on 12.04.2003, whereas, in the deposition of the victim, the age of the victim is mentioned as 12. It is not the case of the prosecution that the victim is a mentally ill person. But, it is the defence, who has produced Ex.D3 to show that the victim is an autistic child. Though the victim has deposed in support of the prosecution case, as seen in her cross-examination, it is clearly mentioned that she has deposed only as stated by her grandmother and paternal uncle and she does not know the difference between truth and lie. She further deposed that even in the earlier occasion, she deposed only as stated by her grandmother and paternal uncle. Further, she admitted that in connection with drainage issue, there was a dispute between the petitioner and her grandmother. Only thereafter, she was taken to police station. The evidence of the victim in her cross-examination clearly nullifies her evidence in chief examination. There appears a *prima facie* case in favour of the petitioner/appellant. Further, the medical evidence also does not indicate any injury on the body of the victim. Considering all the above circumstances, this Court is inclined to suspend the sentence imposed by the Special Court and grant bail to the petitioner/appellant.



7. Accordingly, this Criminal Miscellaneous Petition is allowed and 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 a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the Fast Track Mahila (Sessions) Court, Dindigul.

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 stay away from the place of occurrence. He shall stay at Madurai and appear before the Inspector of Police, Thallakulam Police Station, Madurai, 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.

17.08.2026
(S.K.,J.)

Lm



To

1. The Fast Track Mahila (Sessions) Court, Dindigul.

2. The Special Court for Exclusive Trial
of Cases under POCSO Act, Dindigul.

3. The Inspector of Police,
Batlagundu Police Station,
Dindigul District.

4. The Inspector of Police,
Thallakulam Police Station,
Madurai District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.

6. The Central Prison,
Trichy.



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S.KARTHIKEYAN, J.

Lm

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