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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2026

CORAM

THE HON'BLE MR.JUSTICE S.KARTHIKEYAN

Crl.M.P(MD) No.16117 of 2026

in

Crl.A(MD) No.1037 of 2025

A.Natarajan

... Petitioner

Vs

The Inspector of Police,
Ethamozhi Police Station,
Kanyakumari District.
In Crime No.25 of 2017.

... Respondent

Prayer: To suspend the sentence imposed against the petitioner in Spl.S.C.No. 41 of 2017 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Kanyakumari District at Nagercoil and enlarge the petitioner on bail.

For Petitioner : Mr.C.Mayil Vahana Rajendran

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

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, Kanyakumari District at Nagercoil,



in Spl.S.C.No.41 of 2017, dated 22.07.2025, wherein the petitioner was convicted for the offences punishable under Sections 3(a)(b) r/w. Section 4 and Sections 5(i), 5(l) and 5(m) r/w. Section 6 of the POCSO Act and sentenced him to undergo Rigorous Imprisonment for seven years for the offence punishable under Section 3(a)(b) r/w. Section 4 of the POCSO Act and Rigorous Imprisonment for 20 years for the offence punishable under Sections 5(i), 5(l) and 5(m) r/w. Section 6 of the POCSO Act, besides imposing fine amounts.

2. The learned counsel for the petitioner would submit that the victim child did not incline to depose on the date of examination before the Court and subsequently, she was tutored and made to depose before the Court after 10 days. The evidence of PW2, mother of the victim, does not make out any case of penetrative sexual assault. However, the victim has spoken about the sexual assault. The medical examination was done 8 days later and therefore, the injury said to have been sustained by the victim on her private part may have happened due to a fall or while playing. He further submits that the prosecution has failed to explain the delay in lodging the complaint and the petitioner has been under incarceration since the date of judgment. Therefore, he prays to suspend the sentence imposed on the petitioner and to grant him bail.



3. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the victim has sustained injury on her external genitalia and the medical evidence supports the case of the victim. In a case under the POCSO Act, the delay is not fatal. Therefore, he strongly opposes the suspension of the sentence imposed on the petitioner and the grant of bail.

4. This Court considered the rival submissions made and also perused the materials placed on record.

5. On careful perusal of the records, it is found that the petitioner/Accused was tried before the Special Court for Exclusive Trial of Cases under the POCSO Act, Kanyakumari District at Nagercoil and he was convicted for the offences punishable under Sections 3(a)(b) r/w. Section 4 and Sections 5(i), 5(l) and 5(m) r/w. Section 6 of the POCSO Act and sentenced to undergo seven years Rigorous Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo six months Simple Imprisonment for the offence under Section 3(a)(b) r/w. Section 4 of the POCSO Act and sentenced to undergo 20 years Rigorous Imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo six months Simple Imprisonment for the offences punishable under Sections 5(i), 5(l) and 5(m) r/w. Section 6 of the POCSO Act. The fine amount



has already been paid. As stated by the learned counsel for the petitioner, it is found that on the date of examination, the victim has not deposed anything, but subsequently, after 10 days, the victim has deposed before the Court about the occurrence. The delay in lodging the complaint and the delayed examination of the victim by the Doctor have not been explained by the prosecution. The petitioner has made out certain arguable points in this appeal.

6. In view of the above circumstances and considering the fact that the petitioner has made out certain arguable points in this appeal, this Court is inclined to suspend the sentence imposed on the petitioner and to grant bail pending disposal of the appeal.

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 a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for Exclusive Trial of Cases under POCSO Act, Kanyakumari District at Nagercoil.



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ii. The petitioner shall report before the Special Court for Exclusive Trial of Cases under POCSO Act, Kanyakumari District at Nagercoil daily at 10.30 a.m., till the disposal of the appeal.

iii. The petitioner shall stay away from the victim and shall not contact the victim either directly or indirectly.

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

11.08.2026

Internet : Yes/No

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To

1. The Special Court for Exclusive Trial of Cases under POCSO Act,
Kanyakumari District at Nagercoil.
2. The Inspector of Police,
Ethamozhi Police Station,
Kanyakumari District.
3. The Superintendent,
Central Prison, Palayamkottai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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S.KARTHIKEYAN, J.

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