



CRL MP(MD) NO. 17006 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2026

CORAM

THE HONOURABLE MR.JUSTICE S.KARTHIKEYAN

CRL MP(MD) NO. 17006 of 2026

in

CRL A(MD)No.990 of 2026

Simiyonraj

Petitioner(s)

Vs

State of Tamil Nadu Rep. By,
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
Crime No.1203/2021

Respondent(s)

For Petitioner(s):

Mr.P.Balamurugan

For Respondent(s):

Mr.G.Ganesh Kumar

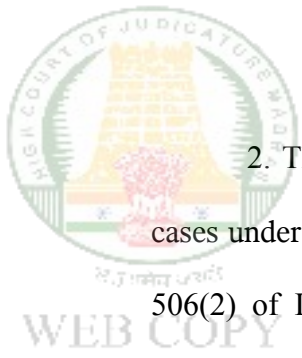
Government Advocate (Crl. Side)

Prayer:

To suspend the sentence imposed in Spl.S.C.No.130 of 2023 dated 19.01.2024 on the file of the Special Court for Exclusive Trial of cases under POCSO Act, Dindigul District and 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.130 of 2023 dated 19.01.2024 and grant bail.



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 Sections 450, 323, 506(2) of IPC and Section 6 of the POCSO Act. The Special Court, after trial, found the petitioner guilty of the offences punishable under Sections 450, 323, 506(2) of IPC and Section 6 of the POCSO Act and convicted and sentenced him as follows:

(i) to undergo seven years rigorous imprisonment and to pay a fine of Rs.2000/-, in default, to undergo six months simple imprisonment for the offence punishable under Section 450 of IPC;

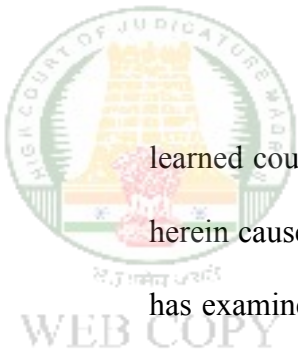
(ii) to undergo six months rigorous imprisonment and to pay a fine of Rs.500/-, in default, to undergo two months simple imprisonment for the offence punishable under Section 323 of IPC;

(iii) to undergo three years rigorous imprisonment and to pay a fine of Rs.1000/-, in default, to undergo six months simple imprisonment for the offence punishable under Section 506(2) of IPC.

(iv) to undergo 20 years rigorous imprisonment and to pay a fine of Rs.2000/-, in default, to undergo six months simple imprisonment for the offence punishable under Section 6 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 case of the prosecution, during the corona lockdown, the petitioner/appellant is said to have trespassed into the house of the victim, found her alone and sexually assaulted her by threatening her with a knife. According to the case of the prosecution, it happened twice. The



learned counsel for the petitioner submitted that as per the case of the prosecution, the Accused herein caused injury on the lips of the victim by the knife. However, P.W.15, doctor, Divya, who has examined the victim, has clearly deposed that there is no external injury on the body of the victim including her private part. Further, the victim has not suffered any injury on her lips and not even a scar. Therefore, according to the learned counsel for the petitioner, the ocular evidence of the victim is not supported by any medical evidence, which creates suspicion over the case of the prosecution. The learned counsel further contended that the daughter of the petitioner/appellant was residing at the first floor of the house, the present false case was foisted as against the Accused only with an intention to vacate her from the said premises. He further submitted that the petitioner has paid the fine amount as ordered by the Special Court and 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 6 years at the time of occurrence. During the corona lockdown, taking advantage of the absence of P.W.2, mother of the victim, the petitioner/appellant trespassed into the house of the victim, assaulted her and committed penetrative sexual assault twice. Further, the petitioner/appellant has threatened the victim by showing knife and caused a cut injury on the lips of the victim. The complaint was lodged with 24 days delay and the delay is well explained by P.W.2, the mother of the victim. Due to the delay, there is no injury found on the body of the victim at the time of medical examination. According to the learned Government Advocate (Crl. Side), the evidence of the victim inspires confidence and therefore, even in the absence of medical evidence, the conviction can be



sustained. Hence, he strongly opposed to grant suspension of sentence and bail to the petitioner/appellant.

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

6. It is the case of the prosecution that the petitioner/appellant, taking advantage of the absence of the mother of the victim, trespassed into the house of the victim, assaulted her on her back and stomach and committed penetrative sexual assault on her. According to the prosecution, it happened twice on the same day. However, as submitted by the learned counsel for the petitioner/appellant, though the occurrence was said to have happened on 21.10.2021, the FIR was registered only on 14.11.2021 with a delay of 24 days. Further, the medical evidence discloses that there is no external injury on the body of the victim including her private part. The cross-examination of P.W.15, doctor, reveals that no injuries were found on the lips of the victim and not even a scar. Apart from the above aspects, the petitioner/appellant has made out certain arguable points in the appeal. Considering the above position, 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 Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul District;

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;

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

2.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.

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

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



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S.KARTHIKEYAN, J.

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Crl.M.P.(MD).No.17006 of 2026
in
Crl.A.(MD).No.990 of 2026

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