



Crl.M.P.(MD)No.14476 of 2025

in Crl.A.(MD)No.1103 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.07.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.14476 of 2025

in Crl.A.(MD)No.1103 of 2025

Saravanan

... Petitioner/
Sole accused

versus

The State of Tamil Nadu, Rep. by
The Inspector of Police,
Thiruverumboor All Women Police Station,
Tiruchirappalli District.

... Respondent

Petition filed under Section 430 of BNSS to suspend the sentence of imprisonment imposed in Spl.S.C.No.22 of 2020 dated 25.08.2025 on the file of the learned Sessions Judge, Mahila Court, Tiruchirappalli, pending disposal of the criminal appeal.

For Petitioner : Mrs.M.Krishnaveni

For Respondent : Mr.V.Shathurthi Raja,
Government Advocate (Crl. Side)



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ORDER

The petitioner is the sole accused in Spl.S.C.No.22 of 2020 on the file of the learned Sessions Judge, Mahila Court, Tiruchirappalli. He was prosecuted for the offence under Sections 366 and 506(1) IPC and Section 5(l) r/w. 6(1) of POCSO Act that he is alleged to have committed penetrative sexual assault on the victim child, who was aged about 13 years. In conclusion of trial, the trial Court, by its Judgment dated 25.08.2025, found the petitioner guilty for the offence under Section 506(1) IPC and Section 5(l) r/w. 6(1) of POCSO Act and convicted and sentenced him as under:

Sl.No	Sections	Punishment	Fine amount	Default
1.	506(1) IPC	2 years rigorous imprisonment	-	-
2.	5(l) r/w. 6(1) of POCSO Act	20 years rigorous imprisonment	Rs.50,000/-	12 months simple imprisonment

Challenging the judgment of conviction, the petitioner has preferred an appeal before this Court in Crl.A.(MD)No.1103 of 2025 and the same has been admitted by this Court on 14.11.2025. Along with the appeal, the petitioner has moved this petition seeking to suspend the sentence imposed by the trial Court.



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2. The learned counsel appearing for the petitioner submitted that the petitioner and the victim loved each other at the relevant point of time. According to her, the victim was aged about 17 years at the time of occurrence, however, the prosecution has projected that the victim was aged about 13 years. Therefore, the petitioner was found convicted and sentenced as stated above. The learned counsel further submitted that the document placed by the prosecution to prove the age of the victim is not sufficient. According to her, no transfer certificate or birth certificate has been produced to substantiate the age of the victim. The learned counsel, by referring to the evidence of the victim, submits that the victim admitted that she had a love affair with the petitioner and both had an intention to marry each other. On 17.12.2019, the victim is said to have voluntarily accompanied the petitioner to a remote place, where the petitioner is alleged to have committed sexual assault. Though the prosecution has projected that the clothes have been recovered and sent to the forensic department, no materials have been placed that there was some physical assault on the victim by the petitioner. The learned counsel by relying on the evidence of Doctor, submitted that the Doctor, who examined the victim has also confirmed that there was no injury on the victim. Further, the petitioner is in



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jail from the date of conviction, ie. from 25.08.2025. Therefore, she seeks to enlarge the petitioner on bail by suspending the sentence.

3. The learned Government Advocate (Crl. Side) opposed this petition that the victim child was aged about 13 years at the time of occurrence. According to the prosecution, the petitioner has induced the victim child, taken her to a remote place and committed penetrative sexual assault on her. He further submitted that the complaint was lodged after the arrival of the victim's father and therefore, there was some delay in lodging the complaint and the material collected by the investigating agency has not disclosed the sperm in the cloths. He also pointed out that the petitioner belongs to Hindu and the victim belongs to Muslim and in order to marry the victim child, the accused has committed sexual assault on her.

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

5. The petitioner was aged about 23 years and victim was aged about 13 years at the time of occurrence. Admittedly, the petitioner and victim child



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loved each other. The victim child stated that she had been physically assaulted two months prior to 17.12.2019. The mother of the victim child had gone out after leaving the child in the care and custody of a neighbour. Under the guise of purchasing certain goods, the victim went to a shop and thereafter, she was found missing. The neighbour informed the petitioner's mother, who was away that the victim child was missing and thereafter, the victim child returned at about 10.00 p.m. When the victim child was enquired by her mother/defacto complainant, she disclosed the commission of offence said to have committed by the petitioner. The narration of the victim also reveals that without understanding the consequences, she and the petitioner were in a relationship with the intention of marrying each other. The learned counsel for the petitioner submitted that now, the petitioner married another woman and she is having a small baby.

6. Considering the age of the victim child, this Court is not inclined to suspend the sentence. However, the learned counsel appearing for the petitioner submitted that the petitioner undertakes to stay away from the occurrence village and he will never visit the occurrence village and never disturb the victim at any point of time. The petitioner has also filed an undertaking



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affidavit to that effect. On this undertaking affidavit, this Court is inclined to suspend the sentence imposed by the trial Court against the petitioner.

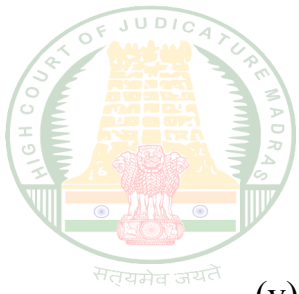
7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Tiruchirappalli.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in 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 Tiruppur and report before the Inspector of Police, Tiruppur North Police Station, daily at 10.30 a.m. until further orders.



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(v) The petitioner along with sureties shall file an affidavit before the respondent Police that he will keep away from the occurrence village and he will not disturb the victim and her family at any point of time.

(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.

08.07.2026

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To

1. The learned Sessions Judge,
Mahila Court, Tiruchirappalli.
2. The Superintendent,
Central Prison, Trichy.
3. The Inspector of Police,
Thiruverumboor All Women Police Station,
Tiruchirappalli District.
4. The Inspector of Police,
Tiruppur North Police Station, Tiruppur.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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