



Crl.M.P.(MD)No.19568 of 2025

in Crl.A.(MD)No.1333 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.07.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.19568 of 2025

in Crl.A.(MD)No.1333 of 2025

Selvam

... Petitioner/
Sole accused

versus

The State of Tamil Nadu, rep. by
The Inspector of Police,
All Woman Police Station,
Kanyakumari District.

... Respondent

Petition filed under Section 430(1) of BNSS to suspend the sentence imposed against the petitioner by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Kanyakumari at Nagercoil, in Spl.S.C.No.38 of 2018 dated 22.10.2025 and enlarge them on bail pending disposal of the criminal appeal.

For Petitioner : Mr.C.Susikumar

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



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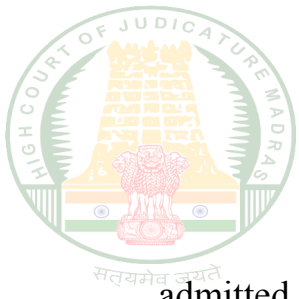
in Crl.A.(MD)No.1333 of 2025

ORDER

The petitioner is the sole accused in Spl.S.C.No.38 of 2018 on the file of the Special Court for POCSO Act cases, Kanyakumari at Nagercoil. He was prosecuted for the offence under Section 9(m) r/w.10 of POCSO Act and Section 506(i) IPC that he is alleged to have touched the private parts of the victim child aged about 5 years. In conclusion of trial, the trial Court, by its Judgment dated 22.10.2025, found the petitioner guilty for the offence under Section 9(m) r/w.10 of POCSO Act and Section 506(i) IPC and convicted and sentenced him as under:

Sl.No	Sections	Punishment	Fine amount	Default
1.	Section 9(m) r/w. 10 of POCSO Act	5 years rigorous imprisonment	Rs.3,000/-	Six months simple imprisonment
2.	Section 506(i) IPC	One year rigorous imprisonment	Rs.1,000/-	Three months simple imprisonment

Challenging the judgment of conviction, the petitioner has preferred an appeal before this Court in Crl.A.(MD)No.1333 of 2025 and the same has been



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admitted by this Court on 10.12.2025. Along with the appeal, the petitioner has moved this petition seeking to suspend the sentence imposed by the trial Court.

2. The learned counsel appearing for the petitioner submits that there existed an enmity between the family members of the petitioner and the defacto complainant regarding the collection of palm leaves, which was specifically admitted by P.Ws.1 to 3 during cross examination. On this motive, this case has been foisted against the petitioner. Further, there was a delay of three days in lodging the complaint, however, there was no explanation for the delay. The learned counsel further submits that P.W.1, in her evidence, admitted that there was an altercation between her mother and the petitioner's wife on the date of occurrence at about 12.00 noon and her uncle, one Petchimuthu, advised them to lodge a complaint as against the petitioner. Therefore, the allegation appears to be false. Since the petitioner is in jail from the date of conviction, ie. on 22.10.2025, he seeks to suspend the sentence imposed against the petitioner.

3. The learned Government Advocate (Crl. Side) strongly opposed this petition that at the time of occurrence, the victim child was aged about five years and the allegation against the petitioner is of a grave and serious nature,



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involving the touching of the private part of the child.

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

5. The entire prosecution is based on the statement of the victim child aged about 5 years. The petitioner was found guilty based on the statement of the victim child. However, the victim child, in her evidence, stated that there was a quarrel between the petitioner's wife and her mother. Instead of lodging a complaint as against the petitioner's wife, they have lodged a complaint as against the petitioner. The victim child has also admitted the probabilities suggested by the defence. Further, the medical examination does not disclose any materials.

6. Considering the available materials and the period of incarceration undergone by the petitioner, this Court is inclined to suspend the sentence imposed by the trial Court against the petitioner.



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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:

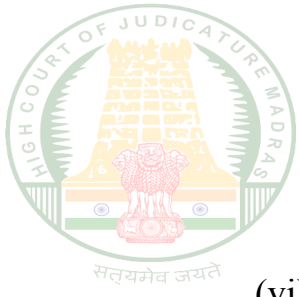
(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for POCSO Act, Kanyakumari at Nagercoil.

(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 South Police Station, daily at 10.30 a.m. until further orders.

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



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(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.

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To

1. The Special Court for POCSO Act,
Kanyakumari at Nagercoil.
2. The Superintendent,
Central Prison,
Palayamkottai.
3. The Inspector of Police,
Tiruppur South Police Station,
Tiruppur.
4. The Inspector of Police,
All Woman Police Station,
Kanyakumari District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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B.PUGALENDHI, J.

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