



CrlMP(MD)No.680 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrlMP(MD)No.680 of 2026
in
Crl A(MD)No.47 of 2026**

Eswaran

...Petitioner

Vs

**State of Tamil Nadu through
the Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
[Crime No.7 of 2020]**

... Respondent

PRAYER: Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence imposed on the petitioner by the Sessions Judge for POCSO Act cases, Kanyakumari District at Nagercoil in SplSC.No.50 of 2020 dated 28.08.2025 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.S.Karthikeyan

**For Respondent : Mr.V.Shathurthi Raja,
Government Advocate**



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ORDER

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The petitioner is the sole accused in SplSC.No.50 of 2020 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act. The trial court by its judgment dated 28.08.2025 found the petitioner guilty, convicted and sentenced as follows:

S. No	Offence	Sentence	Fine (in Rs)	Default sentence
1	Section 366 IPC	5 years rigorous imprisonment	1,000	3 months simple imprisonment
2	Section 342 IPC	6 months rigorous imprisonment	500	2 months simple imprisonment
3	Section 294(b) IPC	1 month simple imprisonment	100	1 week simple imprisonment
4	Section 506 IPC	2 years rigorous imprisonment	500	2 months simple imprisonment
5	Section 5 (I) r/w 6 of POCSO Act	20 years rigorous imprisonment	2000	6 months simple imprisonment

As against the conviction and sentence the petitioner has filed an appeal before this court in CrIa(MD)No.47 of 2026. The appeal has been admitted by this court. Along with the appeal the petitioner has filed this petition to suspend the sentence.



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2.The learned counsel for the petitioner submits that it is a case of love affair. Even according to the prosecution, the victim was 17 years at the time of occurrence. However, the learned counsel submits that she was 18 years old. Though it is a love affair, it was not accepted by their parents. On 18.01.2020 the victim voluntarily went to the house of the accused and she had physical relationship with the accused. Thereafter, on 13.02.2020 the accused went to the house of the victim and it was noted by the parents of the victim. Thereafter, the father of the victim lodged a complaint on 13.02.2020. Based on this complaint, the prosecution has been laid as against the petitioner. He further submits that the victim has admitted in her statement recorded under Section 164 CrPC and during the trial that she went voluntarily with the petitioner and had physical relationship. However, the trial court considered the age of the victim as 17 years and convicted the petitioner. According to the learned counsel, the petitioner is in jail from 28.08.2025. Therefore, he seeks bail.

3.The learned Government Advocate opposes bail to the petitioner that the petitioner had abducted the victim child, who was aged about 17



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years, to his house on 18.01.2020 and had physical relationship with her and therefore, it cannot be stated that this petitioner has not committed any offence. According to him, on 13.02.2020, the petitioner went to the house of the victim and it was noticed by her parents and the complaint has been lodged. This complaint according to the learned Government counsel was lodged by the victim herself.

4.This court has considered the rival submissions made and perused the materials placed on record.

5.From the statement of the victim child, it appears that the victim was aged about 17 years, just one year to complete 18 years. Even according to her own statement, she went to the house of the petitioner, where she had physical relationship with him. The statement of the victim shows that it is a love affair between them and the offence is said to have been committed without knowing the consequences. The petitioner was aged about 26 years at the time of occurrence. The petitioner has raised certain arguable points which can be appreciated only during the final hearing of the appeal. However appeal



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could not be taken up immediately for final hearing. Considering the period of sentence and that the appeal could not be taken up immediately for final hearing, this court is inclined to suspend the sentence pending the appeal.

6. Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending disposal of the criminal appeal on the following conditions:

(i) The petitioner is ordered to be enlarged on bail on executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act.

(ii) The petitioner and the sureties shall file an affidavit before the respondent police that the petitioner will not misuse this liberty, will not indulge in any further offence, will not visit the occurrence place, pending the appeal.

(iii) The petitioner shall stay at Tiruppur and report before the Inspector of Police, Central Police Station, Tiruppur daily at 10.30am.



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(iv) If the petitioner changes his residence, it shall be informed to the respondent police immediately.

(v) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

07.07.2026

DSK

To

1. The Sessions Judge for POCSO Act cases,
Kanyakumari District
at Nagercoil.
2. The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Inspector of Police,
Central Police Station,
Tiruppur.



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B.PUGALENDHI.J.,

DSK

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