



Crl.M.P.No.23040 of 2025
in Crl.A.No.1862 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.23040 of 2025

in

Crl.A.No.1862 of 2025

Jegan

... Petitioner

Vs.

State through
The Inspector of Police,
Vellore South L and O Police Station,
Vellore District.
(Crime No.172 of 2022)

... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430(1) of the BNSS, praying to suspend the sentence imposed against the petitioner and release him on bail pending disposal of the main Criminal Appeal before this Court against the judgment of the learned Sessions Judge, The Special Court for Exclusive Trial of POCSO Cases, Vellore, conducted trial in Spl.S.C.No.163 of 2022 and on 16.04.2025 and pass such further orders.

For Petitioner : Mr.R.Prakash

For Respondent : Mr.S.Balaji,
Government Advocate (Crl. Side)



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/A1 seeking to suspend the sentence and fine amount imposed against the petitioner/appellant by the judgment dated 16.04.2025 in Spl.S.C.No.163 of 2022, passed by the learned Sessions Judge, Special Court for Exclusive Trial of POCSO Cases, Vellore, and to release the petitioner on bail till the disposal of the Criminal Appeal.

2. The petitioner is the first accused in Spl.S.C.No.163 of 2022 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of POCSO Cases, Vellore; he was found guilty for the offence under Sections 5(l) r/w 6 of the POCSO Act, 2012, and was convicted and sentenced to undergo 20 years of rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo six months of rigorous imprisonment. Aggrieved over the same, the petitioner/A1 has preferred an appeal in Crl.A.No.1862 of 2025 before this Court.

3. The learned counsel for the petitioner would submit that the petitioner was aged about 19 years at the time of the alleged occurrence; that even



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according to the prosecution, the alleged occurrence took place pursuant to a love affair; that the victim's evidence cannot be relied upon, as she had made contradictory statements before the learned Magistrate under Section 164 of Cr.P.C. and in her deposition before the Court; that the co-accused has already been granted suspension of sentence by this Court; and since the petitioner has raised substantial grounds in the appeal, he may be granted suspension of sentence pending disposal of the appeal, as he has been in custody from 16.04.2025.

4. The learned Government Advocate (CrI. Side) for the respondent, per contra, would submit that though it is a case of love affair, the victim was aged 16 years at the time of the alleged occurrence; that, the petitioner is guilty of the offence; that therefore, the impugned judgment does not call for any interference; and hence opposed the grant of suspension of sentence.

5. Admittedly, the sentence imposed on the co-accused/A2 has been suspended by this Court in CrI.M.P.No.17663 of 2025 in CrI.A.No.1477 of 2025, dated 19.05.2025. The co-accused happens to be a friend of the victim.



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6. It is seen from the records that the victim has made contrary statements. Her deposition before the Court is not consistent with the statement given under Section 164 of Cr.P.C. The Doctor, PW8, who also recorded the victim's statement, has stated in his report that there was an alleged history of love affair with a known person.

7. Considering all the above facts, and the fact that the petitioner was aged about 19 years at the time of occurrence, and that the petitioner has raised substantial grounds in the criminal appeal, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

8. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended till the disposal of the above criminal appeal and the petitioner is ordered to be released on bail on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of POCSO Cases, Vellore District.



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(ii) The petitioner and 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 and mobile numbers to ensure their identity; and

(iii) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

15.12.2025

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To

1. The Sessions Judge,
The Special Court for Exclusive Trial of POCSO Cases,
Vellore District.
2. The Inspector of Police,
Vellore South L and O Police Station,
Vellore District.
3. The Central Prison, Vellore.
4. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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