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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 22.10.2025

Pronounced on : 14.11.2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.13394 of 2025
in
CRL A(MD) No.1029 of 2025

Andisamy

Petitioner/
Appellant

Vs

The State of Tamil Nadu, rep by
The Inspector of Police,
All Women Police Station,
Dindigul Rural,
Sanarpatti,
Dindigul District.
(Crime No.27 of 2024)

Respondent/
Respondent

Prayer in CRL MP(MD).13394 of 2025 : This Criminal Miscellaneous Petition filed under Section 430(1) B.N.S.S., praying to suspend the execution of sentences of imprisonment passed in the judgment of conviction and sentence in Spl.S.C.No. 97 of 2024 dated 29.04.2025 on the file of the learned Sessions Judge, Special

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Court for Exclusive Trial of cases under POCSO Act, Dindigul and enlarge the petitioner on bail, pending disposal of the main criminal appeal.

Prayer in CRL A(MD).1029 of 2025 : This Criminal Appeal filed under Section 415(2) B.N.S.S., praying to call for the records pertaining to the order passed by the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Dindigul in Spl.S.C.No.97 of 2024 dated 29.04.2025 and set aside the same as illegal.

For Petitioner: Mr.V.Karuna, Advocate

For Respondent: Mr.K.Gnanasekaran
Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed on the petitioner / sole accused by the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Dindigul, in Spl.S.C.No.97 of 2024 dated 29.04.2025, till the disposal of the appeal.

2. The case of the prosecution is that there existed previous enmity between the petitioner / sole accused and the defacto complainant's husband and that on 10.07.2024 at about 05.00 p.m., when the victim girls, who are the daughters of the defacto complainant, were playing in front of their house, the petitioner, by removing his trouser, had showed his private parts to the victim girls and sexually

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harassed the victim girls and also abused the defacto complainant in filthy language and hence, FIR came to be registered in Crime No.27 of 2024 on 11.07.2024 against the petitioner for the offences under Sections 296 and 351(1) BNS, Section 4 of TN Prohibition of Harassment of Women Act, 2002 and Sections 11(1) and 12 of Protection of Child from Sexual Offences Act, 2012.

3. The respondent police, after completing the investigation, has filed a final report and the case was taken on file in Spl.S.C.No.97 of 2024 on the file of the Special Court for Exclusive Trial of cases under POCSO Act, Dindigul.

4. During trial, the prosecution examined 9 witnesses as P.W.1 to P.W.9 and exhibited 18 documents as Ex.P.1 to Ex.P.18. The defence adduced neither oral nor documentary evidence.

5. The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, passed the impugned judgment dated 29.04.2025 convicting the petitioner. The petitioner has been found guilty and convicted for the offences under Sections 296 and 351(3) BNS,

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Section 11(1) r/w 12 (two counts) of POCSO Act and Section 4 of TNPHW Act and sentenced him to undergo rigorous imprisonment for three months and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for one month for the offence under Section 296 BNS; to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for three months for the offence under Section 351(3) BNS; to undergo rigorous imprisonment for three years and to pay a fine of Rs.20,000/-, in default to undergo simple imprisonment for six months for the offence under Section 11(1) r/w 12 (two counts) of POCSO Act and to undergo rigorous imprisonment for three years and to pay a fine of Rs.15,000/-, in default to undergo simple imprisonment for three months for the offence under Section 4 of TNPHW Act. The above sentences were ordered to be run concurrently. Aggrieved by the impugned judgment of conviction and sentence, the sole accused has preferred the present Criminal Appeal along with the above miscellaneous petition for suspension of sentence.

6. The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions

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in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner has already paid the fine amount and that the petitioner is in prison from 07.04.2025.

7. The respondent police has filed a counter affidavit raising serious objections to grant bail to the petitioner.

8. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence. He would further submit that the victim girls were aged 12 years at the time of the alleged occurrence.

9. This Court has carefully considered the rival contentions putforth by either side and also perused the materials available on record.

10. The learned counsel appearing for the petitioner would point out certain infirmities and inconsistencies in this case and also certain contradictions in

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material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

11. In the result, this Criminal Miscellaneous Petition is ordered. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

(i) The petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** 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, Dindigul;

(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; and

(iii) The petitioner shall appear before the trial Court at 10.30 a.m. on every Monday until further orders 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 355 B.N.S.S. and

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shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

14-11-2025

CSM

To

1.The Sessions Judge,
Special Court for Exclusive Trial of cases under POCSO Act,
Dindigul.

2.The Superintendent,
Central Prison,
Trichy.

3.The Inspector of Police,
All Women Police Station,
Dindigul Rural,
Sanarpatti,
Dindigul District.

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

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