



Crl.M.P.No.1056 of 2026
in Crl.A.No.66 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.1056 of 2026
in Crl.A.No.66 of 2026

Sureshkumar

... Petitioner /Appellant

Vs.

The State Rep. By
The Inspector of Police,
Tiruvottriyur All Women Police Station,
Tiruvallur District.
Crime No.17 of 2022

... Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430(1) r/w 483 of BNSS, praying to suspend the sentence of imprisonment imposed in the Judgment dated 27.11.2025 made in Spl.S.C.No.217 of 2023 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under Protection of Children from Sexual Offences Act, Tiruvallur and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.S.Panneer Selvam

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



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 27.11.2025 passed in Spl.S.C.No.217 of 2023 by the learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Tiruvallur, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/accused in Spl.S.C.No.217 of 2023 was convicted by the Trial Court by judgment dated 27.11.2025, for the offences under Sections 9(m) r/w 10, 9(n) r/w 10 of the POCSO Act and under Section 354 A(i) IPC and sentenced him undergo 7 years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo two years simple imprisonment for the offence under Section 9(m) r/w 10 of POCSO Act and sentenced him to undergo seven years rigorous imprisonment and to pay a fine of Rs.10,000, in default, to undergo two years simple imprisonment for the offence under Section 9(n) r/w 10 of POCSO Act and also sentenced to undergo 3 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo six months simple imprisonment for the offence under Section 354A(i) of IPC. Aggrieved by the same, he filed Crl.A.No.66 of 2026



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before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

3.The gist of the prosecution case is that the appellant is the father of the victim girl, aged about 11 years at the time of occurrence; that on 20.09.2022, the appellant touched the thighs of the victim girl inappropriately and also pinched the thighs and thus committed the aforesaid offences.

4.The learned counsel for the petitioner would submit that the complaint was motivated; that it was lodged at the instance of the petitioner's wife; that the complaint was lodged belatedly and that there are several contradictions in the evidence of the victim, and hence the impugned Judgment is liable to be set aside.

5.The learned Government Advocate(Crl. Side) per contra submitted that the victim's evidence is cogent and convincing.

6.It is seen that the occurrence took place on 20.09.2022. However, the complaint has been lodged belatedly on 11.10.2022. The evidence also suggests that there were matrimonial differences between the petitioner and his



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wife. Considering the above said facts, the delay in lodging the complaint and the nature of allegations and finding force in the submissions of the learned counsel for the petitioner, this Court is inclined to suspend the sentence imposed on the petitioner.

7. 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.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under Protection of Children from Sexual Offences Act, Tiruvallur;
- (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



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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.

10.02.2026

Tsg

Note: Issue order copy on .02.2026

To

- 1.The Sessions Judge,
The Special Court for Exclusive Trial of Cases under
Protection of Children from Sexual Offenders Act,
Tiruvallur.
- 2.The Superintendent,
Central Prison-I, Puzhal.
- 3.The Inspector of Police,
Tiruvottriyur All Women Police Station,
Tiruvallur District.
Crime No.17 of 2022
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

Tsg

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