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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 05-11-2026**

CORAM

**THE HON'BLE MR.JUSTICE SUNDER MOHAN**

**CRL MP No. 1376 of 2026**
**in CRL A No. 87 of 2026**

R. Suresh @ Sureshkumar

..Petitioner(s)

Vs

The State by,
The Inspector of Police,
All Women Police Station,
Gudiyattam, Vellore District.
Crime No.04 of 2017.

..Respondent(s)

Prayer: The Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, to suspend the sentence imposed on the petitioner by the learned Special Court for Exclusive Trial of Cases under POCSO Act at Vellore by Judgment passed in Spl.S.C.No.14/2018 dt. 15.03.2024 pending disposal of the Criminal Appeal.

For Petitioner(s): Mr.T.Dhasarathan

For Respondent(s): Ms.Sharada Vivek,
Additional Public Prosecutor

**ORDER**

The Criminal Appeal challenges the Judgment passed in Spl.S.C.No.14 of 2018 by the learned Special Court for Exclusive Trial of



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Cases under POCSO Act at Vellore holding the petitioner guilty of the offences under Sections 366, 506(2) IPC and under Section 5(m) r/w 6 of the POCSO Act and sentencing him as stated below;

| Offence under Section | Sentence imposed |
|---|---|
| 366 of IPC | 3 years RI and to pay a fine of Rs.3,000/- (id) to undergo 3 months SI |
| 506(2) of IPC | 2 years RI and to pay a fine of Rs.2,000/- (id) to undergo 2 months SI |
| 5(m) r/w 6 of the POCSO Act | 20 years RI and to pay a fine of Rs.5,000/- (id) to undergo 3 months SI |

The sentences were ordered to concurrently.

2. It is the case of the prosecution that the victim, who was aged 7 years and 10 months on the date of occurrence ie., 25.05.2017 was taken by the petitioner along with her friend/PW4 to a coconut grove; that the petitioner tied the hands of the victim girl and by threatening her at knife point, compelled her to apply her mouth on the penis of the petitioner; that PW4 sprinkled soil into the eyes of the petitioner; and that thereafter, both PW2 and PW4 escaped from the place of occurrence; that on the same day, the victim disclosed the incident to PW1, her mother; and



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thereafter, she lodged a complaint. The trial Court convicted the petitioner for the offences under Sections 366, 506(2) IPC and under Section 5(m) r/w 6 of the POCSO Act and sentenced him as stated above.

3.The learned counsel for the petitioner would submit that the petitioner is in custody from 15.03.2024; that the petitioner has raised substantial grounds in the above appeal; that PW4, who is said to have accompanied PW2 turned hostile; that there was prior enmity between PW1 and the petitioner, since the petitioner had refused to marry PW1; that the initial complaint only stated the petitioner threatened the victim and forced her to apply her mouth to the penis of the petitioner and did not state about the victim applying her mouth to the penis of the petitioner; that the victim has been tutored; and that the judgment of conviction has been passed on the sole testimony of the victim, whose evidence does not inspire confidence and hence, prayed for suspension of sentence.

4.Heard the learned Additional Public Prosecutor and perused the counter filed by the respondent.



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5.Admittedly, PW4, who is said to have accompanied the victim, turned hostile. In the earliest version, PW1 had not stated about the victim applying her mouth on the private part of the petitioner. In fact, the doctor PW6, had stated that the victim had not narrated the incident to her and it was PW1, the mother, who narrated the incident. The petitioner has also examined DW1 and DW2 to establish that the petitioner and PW1 had an illicit relationship and that thereafter, the petitioner refused to marry her. The petitioner has raised several other arguable points and has made out a *prima facie* case for grant of suspension of sentence. He is in custody from 15.03.2024.

6.Considering the above facts, the period of incarceration and since the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

7.Accordingly, this criminal miscellaneous petition stands allowed, and the sentence imposed on the petitioner is suspended till the disposal



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of the above criminal appeal, and the petitioner is ordered to be released on bail on the following conditions:

(a).The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 at Vellore;

(b).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

(c).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.

**05-11-2026**

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

TSG

*Note: Issue order copy on 05.11.2026*



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Order QR

CRL MP No. 1376 of 2026

**SUNDER MOHAN, J.**

TSG

To

1.The Inspector of Police,
All Women Police Station,
Gudiyatham, Vellore District.
Crime No.04 of 2017.

2.The Special Court for Exclusive Trial
of Cases under POCSO Act at Vellore.

3.The Superintendent,
Central Prison, Vellore.

4.The Public Prosecutor,
Madras High Court.

**CRL MP No. 1376 of 2026**
**in CRL A No. 87 of 2026**

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