



Crl.MP.No.2524 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2026

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.MP.No.2524 of 2026

in

Crl.A.No.176 of 2026

Ismail @ Mohammed Ismail

...Petitioner

Vs.

State rep. by,
The Inspector of Police,
Udumalaipettai All Women Police Station,
Udumalaipettai, Tiruppur.
Crime No.1 of 2020.

...Respondent

Criminal miscellaneous petition filed under Section 430(1) of BNSS, seeking to suspend the sentence imposed on the appellant and enlarge the petitioner on bail in Spl.S.C.No.34 of 2020 on the file of the Court of the Sessions Judge, Magalir Neethimandram, Fast Track Mahila Court, Tiruppur District, dated 25.02.2022.

For Petitioner : Mr.S.Manoj Vasanth

For Respondent : Ms.J.R.Archana, GA(Crl. Side)



CrI.MP.No.2524 of 2026

ORDER

This criminal miscellaneous petition has been filed by the petitioner seeking suspension of sentence imposed by the learned Sessions Judge, Magalir Neethimandram, Fast Track Mahila Court, Tiruppur District, in Spl.S.C.No.34 of 2020, vide judgment dated 25.02.2022.

2. The conviction and sentence imposed against the petitioner, vide impugned judgment is as follows:-

<i>Under Section</i>	<i>Sentence</i>
9(m) r/w. 10 of POCSO Act	To undergo seven years rigorous imprisonment and a fine of Rs.10,000/-, in default, to undergo six months rigorous imprisonment.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and only due to the previous enmity between the petitioner and the victim's family members, a false and exaggerated complaint has been made against the petitioner and though the alleged occurrence is said to have taken place on 19.01.2020, the FIR came to be registered only on 21.01.2020. However, without considering any of the above said facts, the trial court, vide impugned judgment, convicted the petitioner for the



Crl.MP.No.2524 of 2026

abovesaid offences, which is not sustainable. He further submitted that during the investigation, the petitioner was in judicial custody for 367 days ie., from 02.02.2020 to 03.02.2021 and thereafter, the petitioner has been in prison from the date of judgment ie., 25.02.2022 till date. He also submitted that there are arguable points in the criminal appeal, which is unlikely to be taken up for final hearing in the near future and the petitioner has a fair chance of succeeding in the appeal and hence, the sentence imposed on the petitioner may be suspended and the petitioner/appellant may be enlarged on bail.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent vehemently opposed for grant of suspension of sentence stating that the charges against the petitioner are heinous in nature and the trial Court, after taking into consideration the oral and documentary evidence produced by the prosecution, rightly found the petitioner/appellant guilty and convicted and sentenced him, as stated above and the same does not warrant interference.

5. Heard the learned counsel on either side and perused the materials on record.



WEB COPY

6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner that the petitioner has been incarcerated for more than five years, which is more than 50% of the sentence imposed by the trial court, this Court is inclined to grant the relief of suspension of sentence to the petitioner, till the disposal of the criminal appeal, on certain conditions.

7. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner/appellant is ordered to be released on bail on his executing 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, Magalir Neethimandram, Fast Track Mahila Court, Tiruppur District and on further conditions that:-

(i) The petitioner/appellant and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Passbooks to ensure their identities.

(ii) The petitioner/appellant shall appear before the trial Court on the first working day of every English calendar month at 10.30 a.m., until further orders.



Crl.MP.No.2524 of 2026

WEB COPY

8. This criminal miscellaneous petition stands ordered accordingly.

9. Post the main appeal for hearing in the usual course.

13.03.2026

skt

To:

1. The Sessions Judge,
Magalir Neethimandram, Fast Track Mahila Court,
Tiruppur District.
2. The Central Jail,
Coimbatore.
3. The Inspector of Police,
Udumalaipettai All Women Police Station,
Udumalaipettai, Tiruppur.
4. The Public Prosecutor,
Madras High Court.



WEB COPY



Crl.MP.No.2524 of 2026

A.D.JAGADISH CHANDIRA, J.

skt

Crl.MP.No.2524 of 2026
in
Crl.A.No.176 of 2026

13.03.2026