



Crl.M.P.No.700 of 2026
in Crl.A.No.40 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.700 of 2026

in

Crl.A.No.40 of 2026

1.Thangaraj @ Thangarasu
2.Anbarasam @ Anbu
3.Sivadoss

... Petitioners

Vs.

1.The State Represented by
The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram.
Crime No.617 of 2018

2.Anitha

**R2 suo motu impleaded as per the order of this Court
dated 20.01.2026 in Crl.A.No.40 of 2026
and Crl.M.P.No.700 of 2026

... Respondents

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430 of BNSS, praying to suspend the sentence imposed by the learned Special Court for Exclusive Trial of Cases under POCSO Act, Kancheepuram, dated 08.01.2026 passed in Spl.S.C.No.95 of 2025 till the disposal of the Criminal Appeal and enlarge the petitioners on bail.



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For Petitioners : Mr.R.C.Paul Kanagaraj
For R1 : Mr.S.Balaji,
Government Advocate (Crl.Side)
For R2 : Ms.S.Sridevi,
Legal Aid Counsel

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioners by judgment dated 08.01.2026 passed in Spl.S.C.No.95 of 2025 by the learned Special Court for Exclusive Trial of Cases under POCSO Act, Kancheepuram, pending disposal of the above criminal appeal and enlarge the petitioners on bail.

2. The petitioners/A1 to A3 in Spl.S.C.No.95 of 2025 was convicted by the Trial Court by judgment dated 08.01.2026, for the following offences:

Rank of the accused	Conviction under Sections	Sentence awarded
A1	341 of IPC	To undergo simple imprisonment for one month and to pay a fine of Rs.500/- and in default to undergo simple imprisonment for 5 days.
	9(g) r/w 10 of POCSO Act	To undergo rigorous imprisonment for five years and to pay a fine of Rs.5,000/- and in default to undergo simple imprisonment for three months.



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	3(1)(r) and (w)(i) of SC/ST (POA) Act 506(i) of IPC	To undergo rigorous imprisonment for one year and to pay a fine of Rs.5,000/- and in default to undergo simple imprisonment for one month. To undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- and in default to undergo simple imprisonment for one month.
A2	341 of IPC 9(g) r/w 10 of POCSO Act	To undergo simple imprisonment for one month and to pay a fine of Rs.500/- and in default to undergo simple imprisonment for 5 days. To undergo rigorous imprisonment for five years and to pay a fine of Rs.5,000/- and in default to undergo simple imprisonment for three months.
A3	341 of IPC 9(g) r/w 10 of the POCSO Act	To undergo simple imprisonment for one month and to pay a fine of Rs.500/- and in default to undergo simple imprisonment for 5 days. To undergo rigorous imprisonment for five years and to pay a fine of Rs.5,000/- and in default to undergo simple imprisonment for three months.



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3. Aggrieved by the same, they filed Crl.A.No.40 of 2026 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

4. The case of the prosecution is that the petitioners had harassed the victim girl, aged about 15 years, belonging to the Scheduled Caste community; that they had continuously harassed her and inappropriately touched the victim girl on her shoulder and pinched her on her back; that on 27.07.2018, when the victim was on her way to her house at about 4.15 p.m., all the three petitioners had taken the victim to a garden stating that they could all be happy and also dropped a letter in her bag, besides humiliating her on account of her caste.

5. The learned counsel for the petitioners would submit that the allegations are false; that the occurrence is said to have taken place on 27.07.2018, whereas the complaint was lodged only on 17.08.2018; that the evidence suggests that there was enmity between the victim's parents and the petitioners; that there was an earlier complaint given against three other persons making certain allegations and the same was closed; and that considering all these facts, the petitioners are entitled to suspension of sentence.



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6. Heard the learned Government Advocate (Crl.Side) appearing for the first respondent, who would submit that the evidence of the victim inspires confidence; that the judgment of the Trial Court is justified; and that since the petitioners have committed serious offences, they are not entitled to the grant of suspension of sentence.

7. This Court, by order dated 20.01.2026, had *suo motu* impleaded the victim as the second respondent in Crl.M.P.No.700 of 2026 in Crl.A.No.40 of 2026. This Court had issued notice to the de facto complainant. The de facto complainant appeared in person and requested this Court to appoint a Legal Aid Counsel to represent her. Hence, this Court appointed Ms.S.Sridevi, learned Legal Aid Counsel, to represent the second respondent.

8. The learned Legal Aid Counsel appearing for the second respondent reiterated the submissions made by the learned Government Advocate (Crl.Side) and submitted that the victim was humiliated on account of her caste and that offences committed has to be viewed seriously, and opposed the grant of suspension of sentence.



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9. It is seen from the records that the alleged occurrence took place on 27.07.2018 and that no complaint was lodged till 17.08.2018. It is also seen that the petitioners have marked an earlier complaint lodged by the victim against three other persons alleging similar offences, which was subsequently closed. In such circumstances, there is force in the submissions made by the learned counsel for the petitioners that the complaint against the petitioners is an afterthought.

10. Considering all the above facts and circumstances, particularly the delay in lodging the complaint, the existence of an earlier complaint which was closed, and since the petitioners have made out a prima facie case warranting consideration in the appeal, this Court is inclined to grant the relief of suspension of sentence to the petitioners.

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

- (i) The petitioners shall execute a bond each for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like



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sum to the satisfaction of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Kancheepuram;

(ii)The petitioners 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 petitioners 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 they are not able to appear before the Trial Court on any day, they 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 their absence, as directed by the Trial Court.

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SUNDER MOHAN, J.

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To

- 1.The Special Court for Exclusive Trial of Cases under POCSO Act,
Kancheepuram.
- 2.Ms.S.Sridevi (Ms.924 of 1998),
No.333, 2nd Floor, New Additional Law Chamber,
High Court Building, High Court,
Chennai – 104.
- 3.The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram.
- 4.The Superintendent,
Central Prison, Puzhal.
- 5.The Public Prosecutor,
High Court, Madras.

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