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CRL MP No. 1163 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-02-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 1163 of 2026

and

CRL A No. 74 of 2026

1. Velu
S/o.Elumalai,
Mettu Street,
Sathampadi Village,
Melmalaiyanur Taluk,
Villupuram District.

2. Saravanan
S/o.Shanmugam,
76, Vathiarpatti Village,
Amanganallur Post,
Gudiattam Taluk, Vellore District.

... Petitioner(s)

Vs

The State Rep. by
The Inspector of Police
Tiruvannamalai Rural,
All Women Police Station,
Tiruvannamalai District.
Crime No. 33/2018.

...Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, to Suspend the sentence passed in judgment dated 28.11.2025 in Special Sessions Case No.81 of 2020 passed by the Learned Sessions Judge, Tiruvannamalai, Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai and enlarge them on bail pending disposal of the above Criminal Appeal.

For Petitioner(s): Mr.M.G.Udaya Shankar
for Mr.S.Santha Kumari

For Respondent(s): Mr.S.Balaji



Government Advocate (Crl. Side)

ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence passed by the the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POSCO Act, Tiruvannamalai, in Spl.S.C.No.81 of 2020 dated 28.11.2025 pending disposal of the above criminal appeal.

2. The petitioners/Accused No.1 and 2 in Spl.S.C.No.81 of 2020 was convicted and sentenced by the Trial Court by judgment dated 28.11.2025 as follows:

Accused Rank	under Section	Sentence imposed
Accused No.1	366 IPC	To undergo RI for 10 years and to pay a fine of Rs.10,000/-, in default to undergo SI for six months.
	6 r/w 5(1) of POCSO Act	To undergo RI for 20 years and to pay a fine of Rs.10,000/-, in default to undergo SI of six months.
	366 (A) IPC	To undergo RI for 10 years and to pay a fine of Rs.10,000/-, in default to undergo SI for six months.
Accused No.2		
	6 r/w 5(1) r/w 17 of POCSO Act	To undergo RI for 20 years and to pay a fine of Rs.10,000/-, in default to undergo SI for six months.

3. Aggrieved by the same, the petitioners filed Crl.A.No.74 of 2026



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

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4. The case of the prosecution is that the petitioners along with A3 had forcibly taken the victim in a Car; that the 1st petitioner took her to the house of his sister at Vellore; that in the presence of the 2nd petitioner and A3, the 1st petitioner had married the victim by tying a *thali* and thereafter, had forcible sexual intercourse with the victim; that when the victim came to know that her parents had given a complaint and the Police were in search of her, she left the place and reached Thiruvannamalai Bus Stand; from there, her grandfather took her to the Police Station, where the complaint was lodged.

5. The learned counsel for the petitioners would submit that the 1st petitioner and the victim had a love affair; that even according to the prosecution, the victim was 17 years and 10 months old at the time of occurrence; that the 1st petitioner had believed that the victim was a major and the victim's version that she was subjected to forcible intercourse is improbable, as the victim was with the 1st petitioner for about five days; that the victim had not stated about the alleged penetrative sexual assault to the Doctor (P.W10) when she was examined on 08.10.2018; and that the sentence imposed on the



co-accused / A3 has been suspended by this Court on 03.02.2006 in Crl.M.P.No.903 of 2026.

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6. The learned Government Advocate (Crl. Side) for the respondent and perused the counter affidavit.

7. According to the prosecution, the victim was aged 17 years and 10 months at the time of occurrence and the age of the victim is disputed by the defence. There is force in the contention of the learned counsel for the petitioners that there was a love affair between the victim girl and the first petitioner. The victim had not stated about the alleged penetrative sexual assault when she was examined by the Doctor on 08.11.2018, which is her first version and there are several inconsistencies in her version, which requires to be considered in the above appeal. The 2nd petitioner is said to have abetted the 1st petitioner in the commission of the offences, and his case stands on the same footing as that of A3, whose sentence was suspended in Crl.M.P.No.902 of 2026. Considering all the aforesaid facts and since the appeal is not likely to be taken up in the near future, this Court is inclined to grant suspension of sentence.

8. 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/-, with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court, POCSO Cases, Tiruvannamalai;
- (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/A1 & A2 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.

11-02-2026

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To

1. The Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Tiruvannamalai
2. The Inspector of Police,
Tiruvannamalai Rural All Women Police Station,
Tiruvannamalai District.



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3. The Superintendent,
Central Prison, Vellore.

4. The Public Prosecutor, High Court, Madras

SUNDER MOHAN J.
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**CRL MP No. 1163 of 2026
in CRLA No. 74 of 2026**

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