



WEB COPY

CRL MP No. 1566 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-02-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 1566 of 2025

and

CRL A No. 140 of 2025

S.Sowkath Ali

...Petitioner

Vs.

The State Rep by,
Inspector of Police,
Madukkarai Police Station,
Coimbatore District.
Crime No.64 of 2022

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 528 of BNSS, to suspend the sentence passed in Spl.S.C.No.191 of 2022 dated 25.09.2024 by the Principal Special Court for Exclusive Trial of Cases under POSCO Act, Coimbatore and enlarge the me on bail till to the disposal of the appeal.

For Petitioner(s): Mr.R.Radha Pandian

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

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence passed by the the learned Sessions Judge, the Principal Special Court for Exclusive Trial of Cases under POSCO Act, Coimbatore in Spl.S.C.No.191 of 2022 dated 25.09.2024 pending disposal of the above criminal appeal.



2. The petitioner/Accused in Spl.S.C.No.191 of 2022 was convicted by the Trial Court by judgment dated 25.09.2024 for the offences under Sections 9(l), 9(m), 9(n), 10 r/w 10 of POCSO Act and sentenced to undergo five years simple imprisonment and directed to pay a fine of Rs.5,000/-, in default, to undergo one year simple imprisonment. Aggrieved by the same, the petitioner filed Crl.A.No.140 of 2025 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

3. The case of the prosecution is that the petitioner is the father of the complainant's second wife; that the victim girl is the niece of the complainant's second wife; that all of them were living in the same house; that during the night of 15.10.2021, when everyone were sleeping, the appellant hugged and kissed the victim girl and squeezed her and thus committed the offence.

4. The learned counsel for the petitioner would submit that the allegations are false; that the complaint has been filed only to wreak vengeance on the petitioner; that the petitioner has elicited in the cross-examination that there was a motive to lodge a complaint against the petitioner; that the victim girl had not cooperated for the medical examination and the petitioner is in custody from



25.09.2024.

WEB COPY

5. The learned Government Advocate (Crl. Side) for the respondent would fairly consider that the victim girl has not cooperated for the medical examination.

6. In a case of this nature, the medical examination would not offer any corroboration. Be that as it may, on perusal of the evidence on record, this Court is of the view that the petitioner has raised substantial grounds in the above appeal, which requires consideration; and the petitioner has been in custody from 25.09.2024 and almost completed one-third of the sentence imposed on him 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 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 each for a sum of Rs.10,000/- with two sureties, each for a like sum to the



satisfaction of the learned Sessions Judge/ Principal Special Court for Exclusive Trial of Cases under POSCO Act, Coimbatore;

- (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 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.

06-02-2026

2/2

Mac

To

1. The Principal Special Court for Exclusive Trial of Cases under POSCO Act, Coimbatore.
2. The Inspector of Police
Madukkarai Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court of Madras, Madras.



4. The Central Prison, Coimbatore

WEB COPY

CRL MP No. 1566 of 2





WEB COPY

CRL MP No. 1566 of 2



SUNDER MOHAN J.

Mac

**CRL MP No. 1566 of 2025
and
CRL A No. 140 of 2025**

**06-02-2026
2/2**