



Crl.M.P.No.942 of 2026
in Crl.A.No.58 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.942 of 2026

in

Crl.A.No.58 of 2026

Rani

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
AWPS Gingee,
Villupuram.

... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430(1) of BNSS, praying to suspend the sentence imposed in order dated 17.12.2025 passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram, in Spl.S.C.No.137 of 2019, pending disposal of the above appeal.

For Petitioner : Mr.K.Rahul

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



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 17.12.2025 passed in Spl.S.C.No.137 of 2019 by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/A1 in Spl.S.C.No.137 of 2019 was convicted by the Trial Court by judgment dated 17.12.2025, for the following offences:

Conviction under Sections	Sentence awarded
5(b)(c) of Immoral Traffic Prevention Act, 1956	To undergo rigorous imprisonment for seven years and to pay a fine of Rs.5,000/- and in default to undergo simple imprisonment for six months.
11(i)(ii)(vi) r/w 12 of POCSO Act, 2012	To undergo rigorous imprisonment for three years and to pay a fine of Rs.5,000/- and in default to undergo simple imprisonment for six months.

3. Aggrieved by the same, she filed Crl.A.No.58 of 2026 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.



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4. The case of the prosecution is that the petitioner, along with A2, had forced the victim girl, aged about 13 to indulge in prostitution and thereby the petitioner is alleged to have committed the aforesaid offences.

5. The learned counsel for the petitioner would submit that the petitioner is a handicapped person and that the victim's father is also a handicapped person and that they knew each other; that the only allegation against the petitioner is that the victim was taken to a lodge and that the second accused told her that a person would pay her Rs.5,000/-, and that she need not worry about anything; that thereafter apprehending danger the victim left the place; that on another occasion, the petitioner took her to a bathroom and when the victim shouted for help, certain persons assembled and the victim escaped from the place. The learned counsel further submitted that even if these allegations are accepted to be true they would not constitute any of the offences alleged in this case and that the date of the alleged occurrence is not specifically mentioned and that there is a huge delay in lodging the complaint.



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6. Heard the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

7. On perusal of the records and the evidence of the victim, it is seen that there is considerable force in the submission of the learned counsel for the petitioner. Therefore, considering all the above facts and since the petitioner has made out a *prima facie* case, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

8. 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 for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the Principal Special Court under EC & NDPS Act, Chennai;
- (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



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(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 she is not able to appear before the Trial Court on any day, she 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 her absence, as directed by the Trial Court.

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(2/2)

cda

To

- 1.The Sessions Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Villupuram.
- 2.The Principal Special Court under EC & NDPS Act, Chennai.
- 3.The Inspector of Police,
AWPS Gingee,
Villupuram.
- 4.The Superintendent,
Central Prison, Puzhal, Chennai.
- 5.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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