



WEB COPY

CRL MP No. 1564 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 1564 of 2026

and

CRL A No. 102 of 2026

Jeevanantham

...Petitioner

Vs.

State rep. by the Inspector of Police,
All Women Police Station – Ooty,
The Nilgiris.
(Crime No.14 of 2021)

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 430 of BNSS, to suspend the sentence imposed on the petitioner in Spl.S.C.No.2 of 2023 on the file of the learned Sessions Judge, Mahalir Neethimandram (FTMC), Udthagamandalam dated 18.08.2025 and release the petitioner on bail pending disposal of the above appeal.

For Petitioner(s): Ms.S.Valarmathin

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, Mahalir Neethimandram (FTMC), Udthagamandalam in Spl.S.C.No.02 of 2023 dated 18.08.2025 pending disposal of the above criminal appeal.



2. The petitioner/Accused in Spl.S.C.No.02 of 2023 was convicted by the Trial Court by judgment dated 18.08.2025 for the offences under Section 6 of the POCSO Act and sentenced to undergo twenty years rigorous imprisonment and directed to pay a fine of Rs.10,000/-, in default, to undergo three months simple imprisonment. Aggrieved by the same, the petitioner filed Crl.A.No.102 of 2026 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 aged 19 years on the promise of marriage, had sexual intercourse with the victim girl, who was aged about 16 years at the time of occurrence, and thus committed the aforesaid offence.

4. The learned counsel for the petitioner would submit that the petitioner and the victim girl were in a love affair; that the victim was forced to depose against the petitioner as her parents had opposed her relationship with the petitioner; that there are several inconsistencies in the evidence adduced by the prosecution and that the victim's age has not been proved in the manner known to law and prayed for suspension of sentence.

5. The learned Government Advocate (Crl. Side) for the respondent, per



contra, would submit that the petitioner, though aged 19 years was an adult and had committed penetrative sexual assault on the child and that consent is immaterial; that the age of the victim has been established by the prosecution and the Doctor has proved that the victim was subjected to sexual intercourse.

6. It is seen from the evidence that the victim has made contradictory statements in the statement before the learned Magistrate under Section 164(5) Cr.P.C. and in her deposition in Court. The petitioner was 19 years of age at the time of the occurrence. Even according to the prosecution, the relationship was consensual. Considering the age of the petitioner and the victim; and the aforesaid facts and circumstances of the case, this Court is of the view that the petitioner has made out prima facie case for suspension of sentence.

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 for a sum of Rs.10,000/- with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge/ Mahalir Neethimandram (FTMC), Udthagamandalam;



(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.

09-02-2026

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To

1. The Mahalir Neethimandram (FTMC), Udthagamandalam
2. The Inspector of Police
All Women Police Station – Ooty,
The Nilgiris.
3. The Public Prosecutor,
High Court of Madras, Madras.
4. The Central Prison, Coimbatore



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SUNDER MOHAN J.

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