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CRL MP No. 1288 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-02-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

**CRL MP No. 1288 of 2026 in
Crl.A.No.82 of 2026**

Mahalingam

Petitioner

Vs

State Rep. by,
The Inspector of Police,
Red Hills All Women Police Station,
Redhills, Thiruvallur District.
Crime No.5/2021

Respondent

PRAYER Criminal Miscellaneous Petition filed Section 448 of BNSS / 389 (1) of Cr.P.C., to suspend the sentence and conviction imposed against the Petitioner by judgment dated 15.12.2025 in Spl.S.C.No.122 of 2024 passed by the Special Court for Exclusive Trial of Cases under POCSO Act at, Tiruvallur and enlarge the Petitioner on bail till the disposal of the above Criminal Appeal.

For Petitioner: Mr.M.D.Ilayaraja

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

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 15.12.2025 passed in Spl.S.C.No.122 of 2024 by the learned Sessions Judge, the Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvallur, pending disposal of the above criminal appeal, and to enlarge the petitioner on bail.



2. The petitioner/Accused in Spl.S.C.No.122 of 2024 was convicted by the Trial Court by judgment dated 15.12.2025, for the following offence:

Conviction under Sections	Sentence awarded
5(m) r/w 6 of POCSO Act, 2012	To undergo rigorous imprisonment for ten years and to pay a fine of Rs.25,000/- and in default to undergo simple imprisonment for three years.

3. Aggrieved by the same, the petitioner has preferred Crl.A.No.82 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 petitioner and the victim are neighbours; that when the victim was playing with the grandson of the petitioner, the petitioner called the victim to his house, made her to sit on his lap and inserted his finger into the private part of the victim girl and thus committed the aforesaid offence.

5. The learned counsel for the petitioner would submit that the victim and her parents were examined as PW1 to PW3; that all the three witnesses turned hostile to the prosecution; that the trial Court had convicted the petitioner only on the basis of the medical evidence, which cannot be the basis to convict the petitioner and that since the petitioner has raised substantial grounds in the above the appeal, he prayed for suspension of sentence in this petition.



6. The learned Government Advocate (Crl. Side) appearing for the respondent would confirm that PW1 to PW3 who are victim and her parents, turned hostile and one of the Mahazar witnesses also turned hostile.

7. It is seen that the parents of the victim have totally disowned their earlier versions and they would both admit that the complaint was lodged at the instance of one Nagaraj who was the brother of PW3 and is no more now and they were not aware of the allegations against the petitioner. PW2, the victim also stated that she does not remember as to what she told to the police and to the learned Magistrate. She also stated that she made a statement before the learned Magistrate at the instance of her paternal uncle Nagaraj and therefore she was also treated hostile.

8. Considering all the above facts, and the period of incarceration undergone by the petitioner, 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.

9. 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 learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvallur;
- (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.

23-02-2026

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Note: Issue order copy on 24.02.2026

To



1. The Sessions Judge, Special Court for
Exclusive Trial of Cases
under POCSO Act, Tiruvallur.

2. The Inspector of Police,
Red Hills All Women Police Station,
Redhills, Thiruvallur District.

3. The Superintendent,
Central Puzhal Prison, Chennai.

4. The Public Prosecutor,
High Court, Madras.



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