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CRL MP No. 1515 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 1515 of 2026

in

Crl.A.No.641 of 2025

Manikandan
S/o.Muthaiya,
Perur,
Coimbatore District.

...Petitioner(s)

Vs.

State by
The Inspector of Police,
Tiruvannamalai Taluk Police Station,
Tiruvannamalai District.

Crime No.1124 of 2018

...Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) BNSS, to suspend the sentence imposed against the petitioner in Spl.S.C.No.166 of 2019 on the file of the learned Special Court (POCSO Cases), Tiruvannamalai, Tiruvannamalai District and enlarge the petitioner on bail pending disposal of the said Crl.A.No.641 of 2025 on the file of this Court.

For Petitioner(s): Mr.E.Kannadasan

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 Special Court for Exclusive Trial of Cases under POSCO Act, Tiruvannamalai, in Spl.S.C.No.166 of 2019 dated 07.05.2024 pending disposal of the above criminal appeal.

2. The petitioner/Accused in Spl.S.C.No.166 of 2019 was convicted and sentenced by the Trial Court by judgment dated 07.05.2024 as follows:

under Section	Sentence imposed
376(2)(n) of IPC and Section 6 r/w 5(1) of POCSO Act, 2012	To undergo RI for 10 years and to pay a fine of Rs.1,000/-, in default to undergo SI for two years.
9 of the Prohibition of Child Marriage Act	To undergo RI for 2 years and to pay a fine of Rs.1,000/-.
Sentences are ordered run concurrently.	

3. Aggrieved by the same, the petitioner filed CrI.A.No.641 of 2025 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The case of the prosecution is that the petitioner and the victim had a love affair that on the promise of marriage, the petitioner had sexual intercourse with the victim girl and as a result of which, the victim became pregnant and thus the petitioner committed the aforesaid offence.



5. The learned counsel for the petitioner would submit that admittedly, the petitioner and the victim had a love affair; that the petitioner is willing to marry the victim girl; that the prosecution had not established the age of the victim girl in the manner known to law; that the Headmaster of the School where the victim studied had not produced the document on the basis of which he had issued the school certificate mentioning the date of birth of the victim as 28.04.2002; and therefore, the impugned judgment is liable to be set aside.

6. The learned Government Advocate (Crl. Side) for the respondent, per contra, would submit that the Headmaster of the school where the victim studied has been examined and that there is no reason to doubt the certificate and non-production of the birth certificate or any other records would not be fatal to the prosecution.

7. Admittedly, the petitioner and the victim had a love affair and the relationship was consensual. The only document produced by the prosecution to prove the age of the victim is the educational certificate issued by P.W.7, the Headmaster of the School where the victim studied. The Headmaster admitted in his cross-examination that the said certificate was issued on the basis of the



transfer certificate issued by the previous school and they have not produced the said certificate. The evidence of P.W.2, the mother, would state that the victim was studying in 11th standard. There is no reason why the matriculation certificate of the victim was not produced by the prosecution and hence, this Court is of the view that the petitioner has made out a prima facie case for suspension of sentence.

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/- with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge/ Special Court to deal with cases related to POCSO Act, Tiruvannamalai ;
- (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.

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SUNDER MOHAN, J.

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To

1. The Special Court to deal with cases related to POCSO Act,
Tiruvannamalai
2. The Inspector of Police
Tiruvannamalai Taluk Police Station,
Tiruvannamalai District.
3. The Public Prosecutor,
High Court of Madras, Madras.
4. The Central Prison, Vellore

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