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Crl.M.P.No.1549 of 2026
in Crl.A.No.95 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.1549 of 2026 in
Crl.A.No.95 of 2026

Kandhan

... Petitioner /Appellant

Vs.

State rep by the Inspector of Police,
Ennore All Women Police Station,
Tiruvallur District.
Crime No.07/2021.

... Respondent / Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430 of BNSS praying to suspend the sentence and conviction in Spl.S.C.No.21 of 2022 dated 08.01.2026 passed by the learned Mahila Court exclusively to deal with offences under the POCSO Act at Tiruvallur and during pending disposal of the above criminal appeal.

For Petitioner : Mr.M.Gnanasekar

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

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence and conviction imposed on the petitioner by judgment dated



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08.01.2026 passed in Spl.S.C.No.21 of 2022 by the learned Mahila Court exclusively to deal with offences under the POCSO Act at Tiruvallur, pending disposal of the above criminal appeal.

2. The petitioner/accused in Spl.S.C.No.21 of 2022 was convicted by the Trial Court by judgment dated 08.01.2026, for the offence under Section 11(i) r/w. 12 of POCSO Act, 2012 and sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for six months and for the offence under Section 11(iv) r/w 12 of POCSO Act and sentenced the petitioner to undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for six months. Aggrieved by the same, he filed Crl.A.No.95 of 2026 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

3. It is the case of the prosecution that the petitioner continuously followed the victim, made a false promise of marriage, and attempted to behave in an improper manner and hence, a complaint was lodged by the father of the victim.



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4. The learned counsel for petitioner would submit that he has raised substantial grounds in the appeal. He further submits that the fine amount imposed by the Court below has already been paid by the petitioner.

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

6. Considering the fact that there are substantial grounds raised in the above appeal, which requires consideration 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 for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Mahila Court exclusively to deal with offences under the POCSO Act, Tiruvallur;



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(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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To

- 1.The Mahila Court exclusively to deal with offences under the POCSO Act at Tiruvallur
- 2.The Mahila Court (under POCSO Act), Tiruvallur.
- 3.The Central Prison, Puzhal – II.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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