



Crl.M.P.No.2405 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2026

CORAM:

THE HON'BLE MR.JUSTICE C.SARAVANAN

Crl.M.P.No.2405 of 2026

in

Crl.A.No.164 of 2026

Salesthirukumar

... Petitioner/Appellant/
Accused

Vs.

The State represented by,
The Inspector of Police,
W-13, All Women Police Station,
Washermenpet, Chennai.

... Respondent/Complainant

Prayer: Criminal Miscellaneous Petition is filed under Section 430(1) of B.N.S.S., to suspend the sentence and the conviction dated 04.09.2025 passed in Spl.S.C.No.107 of 2021, against the Petitioner/Appellant/Accused by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, at Chennai, and consequently enlarge the Petitioner/Appellant/Accused on bail, pending disposal of the above appeal.

For Petitioner : Mr.M.Mubeen

For Respondent : Mr.R.John Sathyan
State Public Prosecutor



Crl.M.P.No.2405 of 2026

ORDER

WEB COPY

This Criminal Miscellaneous Petition has been filed for suspending the sentence and the conviction dated 04.09.2025 passed in Spl.S.C.No.107 of 2021, against the Petitioner/Appellant-Accused by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act at Chennai [hereinafter referred to as the Trial Court].

2. By the Impugned Judgment, the Trial Court convicted the Petitioner/Appellant-Accused and sentenced him as follows:

Sl. Nos.	Offence Under Section	Conviction and Sentence	Fine amount
1	Section 10 of POCSO Act	Rigorous Imprisonment for 5 years (in default to undergo simple imprisonment for 1 month)	1,000/-
2	Section 6 of POCSO Act	Rigorous Imprisonment for 20 years (in default to undergo simple imprisonment for 1 month)	1,000/-

3. The Petitioner/Appellant-Accused was aged about 43 years at the time of alleged offence in the year 2020. The victim was aged about 13 years at the time of the alleged offence.



WEB COPY

4. A perusal of the statement recorded under Section 164 of Cr.P.C. on 21.08.2020, *prima facie* indicates that an offence was made out against the Petitioner/Appellant-Accused, for which the Petitioner has been punished and sentenced by the Trial Court.

5. The victim was aged about 13 years at the time of making the statement under Section 164 of Cr.P.C. However, in her deposition as PW1 before the Trial Court on 16.07.2025, the victim, aged 17 years, distanced herself from the Statement made earlier under Section 164(5) Cr.P.C.

6. Thus, at best, the Petitioner/Appellant-Accused may be held guilty of the offences under Section 7 read with Section 8 of POCSO Act, 2012 based on the Statement made under Section 164 Cr.P.C. and the deposition of PW3-Doctor who had earlier examined the victim on 13.08.2020. But this has not been established by the prosecution during the trial.

7. The Petitioner/Appellant-Accused has made out a *prima facie* case on merits. Therefore, I am of the view that the sentence of imprisonment can be suspended and the Petitioner/Appellant-Accused can be granted bail on conditions. Accordingly, pending disposal of the appeal,



Crl.M.P.No.2405 of 2026

the sentence is suspended and the Petitioner/Appellant-Accused is to be enlarged on bail, subject to the following conditions:-

(i) The petitioner/Appellant-Accused 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, Chennai;

(ii) The Petitioner/Appellant-Accused and the sureties shall affix their photographs and Left Thumb Impressions 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/Appellant-Accused shall appear before the trial Court on the first working day of every English calendar month at 10.30 a.m., until further orders.

8. Accordingly, the Criminal Miscellaneous Petition stands ordered.

9. List the main case on 14.08.2026.

05.06.2026

jas



Crl.M.P.No.2405 of 2026

WEB COPY

- To
1. The Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.
 2. The Inspector of Police,
W-13, All Women Police Station,
Washermenpet, Chennai.
 3. The Central Prison,
Puzhal, Chennai.
 4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.M.P.No.2405 of 2026

C.SARAVANAN, J.

jas

Crl.M.P.No.2405 of 2026
in
Crl.A.No.164 of 2026

05.06.2026