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CRL MP No. 2381 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

**CRL MP No. 2381 of 2026
in CRL A No. 162 of 2026**

Arun
S/o. Rajendiran,
No.31, Arumugam Street,
Puliankulam,
Coimbatore District,
Convict No.25895,
Now convict Prisoner,
Central Prison, Coimbatore - 18.

.... Petitioner(s)

Vs.

State Rep.by, Inspector of Police,
All Women Police Station,
Palladam, Coimbatore,
Coimbatore District.
Crime.No.1 of 2023.

...Respondent(s)

Prayer: Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS Act, 2023, to suspend the sentence passed by the Additional District and Session Judge, Magalir Neethimandram, Fast Track Mahila court, (incharge) Tiruppur Spl.SC.No.84 of 2023 dated 19.10.2024 and release the petitioner on bail pending disposal of the above appeal on the file of this court and pass appropriate directions.

For Petitioner(s): M/s.R.Ganesh

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 learned Additional District and Sessions Judge, the Magalir Neethimandram, Fast Track Mahila court, (incharge) Tiruppur, in Spl.S.C.No.84 of 2023 dated 19.10.2024 pending disposal of the above criminal appeal.

2. The petitioner/Accused in Spl.S.C.No.84 of 2023 was convicted and sentenced by the Trial Court by judgment dated 19.10.2024 as follows:

under Section	Sentence imposed
9 (n) r/w 10 of POCSO Act, 2012	To undergo RI for 5 years and to pay a fine of Rs.1,000/-, (i.d) SI for 6 months.

3. Aggrieved by the same, the petitioner filed CrI.A.No.162 of 2026 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 is the stepfather of the victim girl; that when the victim was sleeping in the house, the petitioner had inappropriately touched her and thereafter, when the victim shouted, the victim's mother came to know of the occurrence and lodged the complaint; and thus the petitioner committed the offence.



5. The learned counsel for the petitioner would submit that the allegations are false; that the victim has been tutored by her mother with whom the petitioner has matrimonial disputes; that the victim had not stated whether any act was committed by the petitioner with sexual intent; and that in any case, the petitioner has made out substantial grounds in the above appeal and the petitioner is in custody from 19.10.2024 as against the fixed sentence of imprisonment of five years imposed by the trial court.

6. Heard the learned Government Advocate (Crl. Side) for the respondent and he justified the judgment passed by the trial Court.

7. It is seen from the Section 164 (5) Cr.P.C statement of the victim that the victim had admitted that she gave the complaint at the instance of her mother to avoid any disturbance by the petitioner with whom the mother had matrimonial disputes. The victim had not specially stated as to what is the exact act committed by the petitioner, except for vaguely stating that he touched her. There is a delay of ten days in lodging the complaint. The petitioner is in custody from 19.10.2024. The petitioner has raised substantial ground, which requires consideration. 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.

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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 Additional District and Sessions Judge/ Magalir Neethimandram, Fast Track Mahila Court, (incharge) Tiruppur;
- (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.

20-02-2026

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SUNDER MOHAN, J.

Mac/ars

To

1. The Magalir Neethimandram, Fast Track Mahila Court, (incharge) Tiruppur
2. The Inspector of Police
All Women Police Station,
Palladam, Coimbatore,
Coimbatore district.
3. The Public Prosecutor,
High Court of Madras, Madras.
4. The Superintendent of Prison,
Central Prison, Coimbatore.

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