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Crl.M.P.No.2606 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2026

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.M.P.No.2606 of 2026
in Crl.A.No.183 of 2026

Kanniappan

... Petitioner

Vs.

State rep. by,
The Inspector of Police,
Arakonam City Police Station,
Vellore District.
Crime No.623 of 2017.

... Respondent

For Petitioner : Mr.M.G.Udaya Shankar
For Ms.S.Shanthakumari
For Respondent : Mr.S.Udayakumar
Government Advocate (Criminal Side)

ORDER

This Court, vide order dated 23.03.2026, granted suspension of sentence to the petitioner/appellant and directed the trial Court to obtain copies of the Aadhaar cards or bank passbooks of the petitioner/appellant and his sureties to ensure their identities. However, in the aforesaid condition at paragraph 7(i) of the order, the term “Magistrate” has been inadvertently used instead of “trial Court”. Therefore, this matter has been listed today under the caption “for clarification”.

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2. In view of the above, this Court clarifies that the reference to “Magistrate” at paragraph 7 (i) of the order dated 23.03.2026 shall be read as “trial Court”.

3. Therefore, the Registry is directed to effect the necessary correction by substituting the term “Magistrate” mentioned at paragraph 7 (i) of the order dated 23.03.2026 as “trial Court”. It is made clear that all other conditions in the said order shall remain unaltered.

06.04.2026

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Note: Issue fresh order copy today (06.04.2026)

To:

1. The Principal District and Sessions Judge,
Ranipet.
2. The Superintendent,
Central Prison,
Vellore.
3. The Inspector of Police,
Arakonam City Police Station,
Vellore District.
4. The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA, J.

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THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.MP.No.2606 of 2026

in

Crl.A.No.183 of 2026

Kanniappan

...Petitioner

Vs.

State rep. by,
The Inspector of Police,
Arakonam City Police Station,
Vellore District.
Crime No.623 of 2017.

...Respondent

Criminal miscellaneous petition filed under Section 430(1) of BNSS, seeking to suspend the sentence passed in judgment dated 23.07.2025 in Special Sessions Case No.14 of 2024 by the learned Principal District and Sessions Judge, Ranipet and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.

For Petitioner : Mr.M.G.Udaya Shankar,
for Ms.S.Shanthakumari

For Respondent : Ms.J.R.Archana, GA(Crl. Side)

**ORDER**

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This criminal miscellaneous petition has been filed by the petitioner seeking suspension of sentence imposed by the learned Principal District and Sessions Judge, Ranipet, in Special Sessions Case No.14 of 2024, vide judgment dated 23.07.2025.

2. The conviction and sentence imposed against the petitioner/appellant, vide impugned judgment are as follows:-

<i>Under Section</i>	<i>Sentence</i>
366 of IPC	To undergo seven years rigorous imprisonment and a fine of Rs.500/-, in default, to undergo one month rigorous imprisonment.
5(I) r/w. 6 of the POCSO Act	To undergo ten years rigorous imprisonment and a fine of Rs.500/-, in default, to undergo one month rigorous imprisonment.

3. Learned counsel for the petitioner/appellant submitted that the petitioner's sister is a neighbour of the victim and a friendly relationship existed between the petitioner and the victim which was disliked by her parents. While so, on 21.11.2017, as the victim left her house without informing her parents, her mother lodged a complaint of 'girl missing'.



He further submitted that after coming to know about the registration of the case, the victim returned to her house. However, later, based on the insistence of her mother, a statement was recorded as if the petitioner had kidnapped her and the case was altered to one under Sections 5(I) r/w. 6 of the POCSO Act and Section 366 of IPC. While the statement was recorded from the victim under Section 164 of the Cr.P.C. by the learned Magistrate, though she had admitted to the love affair with the petitioner, she made no mention on any sexual assault committed by the petitioner and only subsequently, during the trial, on the insistence of her mother the victim levelled false and exaggerated allegations as if the petitioner took her behind the temple and committed penetrative sexual assault. He also submitted that the petitioner has been in jail for about 327 days and that there are arguable points in the criminal appeal, which is unlikely to be taken up for final hearing in the near future and the petitioner/appellant has a fair chance of succeeding in the appeal and hence, the sentence imposed on the petitioner/appellant may be suspended and the petitioner/appellant may be enlarged on bail.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner induced the



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minor girl and took her from the lawful custody of her parents and committed aggravated penetrative sexual assault on multiple occasions and the trial court, relying upon the materials on record and cogent evidence produced by the prosecution, had rightly convicted the petitioner for the aforementioned offences, which cannot be termed erroneous or unsustainable. Given the seriousness of the offences committed by the petitioner, she strongly opposed for suspension of sentence.

5. Heard the learned counsel on either side and perused the materials on record.

6. Considering the facts and circumstances of the case and also the submissions made by the learned counsel for the petitioner/appellant, particularly, the contradiction between the statement recorded under Section 164 of Cr.P.C. and the deposition of the victim girl during trial, this Court is inclined to grant the relief of suspension of sentence to the petitioner, till the disposal of the criminal appeal, on certain conditions.

7. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner/appellant is ordered to be released on bail on



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his executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Ranipet and on further conditions that:-

(i) The petitioner/appellant and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Passbooks to ensure their identities.

(ii) The petitioner/appellant shall appear before the trial Court on the first working day of every English calendar month at 10.30 a.m., until further orders.

(iii) The petitioner shall not enter into the jurisdictional limits of Kadambathur Police Station and shall refrain from contacting the victim, either directly or indirectly.

8. This criminal miscellaneous petition stands ordered accordingly.

23.03.2026

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To:

1. The Principal District and Sessions Judge,
Ranipet.
2. The Superintendent, Central Prison,
Vellore.
3. The Inspector of Police,
Arakonam City Police Station,
Vellore District.
4. The Public Prosecutor,
Madras High Court.

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