



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

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

CRL MP No. 4822 of 2026

in

CRL A NO. 280 OF 2026

Chandru
S/o.Perumal (late),
No.152/77,
Perumal Koil Street,
Maduravoyal,
Chennai - 600 095.

..Petitioner(s)

Vs

State rep.by,
The Inspector of Police,
All Women Police Station,
Virugambakkam,
Chennai District.

..Respondent(s)

PRAYER:

This petition has been filed under Section 430(1) of BNSS, seeking to suspend the sentence imposed by the Special Court to deal with cases related to POCSO Act at Thiruvallur in Spl.SC.No.34 of 2023 by the judgment dated 21.06.2025 and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner(s):

Mr.C.S.S.Pillai for Ms.A.Anuradha

For Respondent(s):

Ms.J.R.Archana, GA(Crl.Side)



ORDER

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This criminal miscellaneous petition has been filed by the petitioner/accused to suspend the sentence imposed by the learned Sessions Judge, Special Court to deal with cases related to POCSO Act at Thiruvallur in Spl.S.C.No.34 of 2023 vide judgment dated 21.06.2025 and enlarge the petitioner on bail pending disposal of the above appeal.

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

<i>Under Section</i>	<i>Sentence</i>
7 r/w. 8 of the POCSO Act	Five years rigorous imprisonment and fine of Rs.5000/-, in default, to undergo one year simple imprisonment.
9(n) r/w. 10 of the POCSO Act	Five years rigorous imprisonment and fine of Rs.5000/-, in default, to undergo six months simple imprisonment.

The aforesaid sentences were ordered to run consecutively.

3. Learned counsel for the petitioner would submit that the victim is none other than the daughter of the de facto complainant. The victim and the de facto complainant have not supported the case of the prosecution before the trial



Court. Admittedly, there was a matrimonial dispute between the de facto complainant and the petitioner. The de facto complainant had admitted that since the petitioner was a drunkard and he was beating her frequently, she had given the complaint against the petitioner on the advice of police. Even as per the 164 statement, the victim has only stated that the petitioner hugged her and laid over her and he did not commit any sexual assault on her. The medical evidence also does not support the case of the prosecution. In such circumstances, the trial Court relying on extraneous materials, had found the accused guilty and convicted him as stated above. He would further submit that during investigation, he was in jail for 90 days and subsequently, from the date of conviction, he has been in jail and he has also undergone a substantive period of conviction. The learned counsel further submitted 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/accused has a fair chance of succeeding in the appeal and hence, the sentence imposed on the petitioner/accused may be suspended and the petitioner/accused may be enlarged on bail.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that though the victim and the de facto complainant have not supported the case of the prosecution, the victim, in her statement recorded under Section 164 Cr.P.C. had deposed that the petitioner



had laid over her and hugged her. Given the grievous nature of the offence, she strongly opposed for granting suspension of sentence to the petitioner.

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5. Heard the learned counsel on either side and perused the entire material available on record including the Section 164 Cr.P.C statement.

6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner/accused that the petitioner has been in prison from the date of judgment ie., 21.06.2025, this Court is inclined to grant the relief of suspension of sentence to the petitioner/accused, till the disposal of the criminal appeal, on certain conditions.

7. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner/accused is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, out of whom one surety must be a blood related surety, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court to deal with cases related to POCSO Act at Thiruvallur, and on further conditions that:-

(i) The petitioner/accused 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/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 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 355 of BNSS, 2023 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.

8. This criminal miscellaneous petition stands ordered accordingly.

30-03-2026

Neutral Citation: Yes/No

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To:

1. The learned Sessions Judge, Special Court to deal with cases related to POCSO Act at Thiruvallur
2. The Central prison-1, Chennai.
3. The Inspector of Police,
All Women Police Station,
Virugambakkam,
Chennai District.
4. The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA J.

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