



Crl.M.P.No.1939 of 2026
in Crl.A.No.129 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.1939 of 2026

in

Crl.A.No.129 of 2026

Niyas

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
All women Police Station,
Gudiyatham, Vellore District.
(Crime No.01 of 2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430(1) of BNSS, praying to suspend the sentence imposed in Special S.C.No.81 of 2023 on the file of the learned Special Judge for Exclusive Trial of Cases under POCSO Act 2012, Vellore, Vellore District, dated 06.01.2026 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.C.S.Saravanan

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



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 06.01.2026 passed in Special S.C.No.81 of 2023 by the learned Special Judge for Exclusive Trial of Cases under POCSO Act 2012, Vellore, Vellore District, pending disposal of the above criminal appeal, and to enlarge the petitioner on bail.

2. The petitioner/Accused in Special S.C.No.81 of 2023 was convicted by the Trial Court by judgment dated 06.01.2026, for the following offence:

Conviction under Section	Sentence awarded
67 of the Information Technology Act	To undergo simple imprisonment for two years and to pay a fine of Rs.1,00,000/- and in default to undergo simple imprisonment for six months.

3. Aggrieved by the same, the petitioner has preferred Crl.A.No.129 of 2026 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

4. The case of the prosecution is that the petitioner had downloaded the children pornography videos in his mobile phone and uploaded the same on his Facebook account, and thereby committed the aforesaid offence.



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5. The learned counsel for petitioner would submit that there are material contradictions between the oral evidence of the prosecution witnesses and the electronic evidence relied upon by the prosecution. He further submitted that he has raised substantial grounds in the appeal, which require consideration.

6. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the Trial Court had suspended the sentence on 06.01.2026.

7. It is seen from the records that pursuant to the suspension of sentence by the Trial Court on 06.01.2026, the petitioner is presently on bail and that the petitioner has paid the fine amount of Rs.1,00,000/- as imposed by the Trial Court.

8. Considering the fact that the sentence imposed on the petitioner is for a period of two years, that the petitioner has paid the fine amount imposed by the Trial Court, 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.



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9. 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/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Special Judge for Exclusive Trial of Cases under POCSO Act 2012, Vellore, Vellore District;
- (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 Special Judge for Exclusive Trial of Cases under POCSO Act 2012,
Vellore, Vellore District.
- 2.The Inspector of Police,
All women Police Station,
Gudiyatham, Vellore District.
- 3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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