



Crl.M.P.No.2349 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.2349 of 2026
in Crl.A.No.159 of 2026

Narayanasamy

... Petitioner/Appellant

Vs.

State of Tamilnadu
Rep. By Inspector of Police
Thalavai Police Station, Tamilnadu
Cr.No.69 of 2023

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS., pleaded to suspend the sentence imposed on the petitioner in Special Session Case No.63 of 2024 dated 18.07.2025 passed by the learned Sessions Judge, Fast Track Mahila Court, Ariyalur and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.S.N.Subramani

For Respondent : Mr.S.Balaji

Government Advocate (Crl.Side)



Crl.M.P.No.2349 of 2026

ORDER

WEB COPY

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence, imposed by the learned Sessions Judge, Fast Track Mahila Court, Ariyalur, vide judgment in Special S.C.No.63 of 2024 dated 18.07.2025.

2. The petitioner/Accused in Special S.C.No.63 of 2024 was convicted by the Trial Court by judgment dated 18.07.2025, for the following offence:

<i>Under Section</i>	<i>Sentence</i>
8 of POCSO Act	5 years S.I and a fine of Rs.5,000/-, I/d. 6 months of S.I

3. Aggrieved by the same, the petitioner has preferred Crl.A.No.159 of 2026 before this Court along with the instant criminal miscellaneous petition.

4. The case of the prosecution is that the petitioner and the victim girl, aged about 13 years, are neighbours; that the petitioner, on 29.09.2023 at about 11.00 a.m., when the victim was sitting in front of her house, the petitioner asked her whether she would like to eat biscuits; that when the victim refused and ran into her house, the petitioner followed her and hugged



Crl.M.P.No.2349 of 2026

her from behind. On raising alarm, P.W.3, enquired her, and the victim disclosed the occurrence. Thereafter, the matter was informed to her maternal grandmother, who lodged a complaint.

5. The learned counsel for the petitioner/accused submitted that the allegations are false and that a previous enmity existed between the petitioner and the victim's family; and that similar complaints had earlier been made by the victim's family against the petitioner's cousin brother and that, during the pendency of the trial in that case, the petitioner's cousin brother committed suicide and died. The learned counsel also pointed out to the several inconsistencies in the evidence of the victim and prayed for suspension of sentence.

6. Learned Government Advocate (Crl.Side) appearing for the respondent, however, submitted that the victim's evidence is cogent and convincing, and there are no reasons to disbelieve the same. Therefore, he prayed for dismissal of the petition.

7. Heard the learned Government Advocate (Crl. Side) appearing for the respondent and perused the counter affidavit available on record.



Crl.M.P.No.2349 of 2026

WEB COPY

8. It is seen from the records that the petitioner is in custody since 18.07.2025 as against the fixed sentence of 5 years' imprisonment imposed by the trial Court. The petitioner has raised substantial grounds in the appeal which require consideration. Further, the appeal is not likely to be taken up for hearing in the near future. Considering all the above facts, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

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 Sessions Judge, Fast Track Mahila Court, Ariyalur;
- 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



Crl.M.P.No.2349 of 2026

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.

24.02.2026

Anu

Note: Issue order copy on 24.02.2026

To

1. The Sessions Judge, Fast Track Mahila Court, Ariyalur
2. The Inspector of Police
Thalavai Police Station, Tamilnadu
3. The Superintendent,
Central Prison, Trichy
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.M.P.No.2349 of 2026

SUNDER MOHAN, J.

Anu

**Crl.M.P.No.2349 of 2026
in
Crl.A.No.159 of 2026**

24.02.2026