



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

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

CRL.MP.No.3684 of 2026
in CRL.A.No.229 of 2026

Muthu

..Petitioner(s)

Vs.

The Inspector of Police,
All Women Police Station,
Gudiyattam,
Vellore District.
Crime No.19 of 2024.

..Respondent(s)

Prayer : Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, 2023, praying to suspend the sentence imposed in Spl.SC.No.46 of 2025 on the file of the Special Court under POCSO Act, Vellore, Vellore District dated 26.12.2025, pending disposal of the above appeal.

For Petitioner : Mr.D.A.Sugumar

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

ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence of imprisonment, imposed by the learned Sessions Judge, Special Court under POCSO Act, Vellore District in Spl.SC.No.46 of 2025 vide



judgment dated 26.12.2025 and to enlarge the petitioner/appellant on bail, pending disposal of the Criminal Appeal.

WEB COPY

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

<i>Under Section</i>	<i>Sentence</i>
363 of IPC	5 years of simple imprisonment and fine of Rs.10,000/-, in default, to undergo 3 months simple imprisonment.
9(m) r/w 10 of POCSO Act	5 years of simple imprisonment and fine of Rs.10,000/-, in default, to undergo 3 months simple imprisonment
The sentences were ordered to run concurrently.	

3. The case of the prosecution is that the petitioner/appellant took the minor victim girl (P.W.2) to a secluded place, where he kissed and touched her with sexual intent. Based on the complaint given by the victim girl's mother, the respondent/Police registered a case in Crime No.19 of 2024 for the offence under Section 363 of IPC and Sections 9(1)(m) r/w. 10 of the POCSO Act. After the final report was filed, the case was taken up for trial by the learned Sessions Judge, Special Court under POCSO Act, Vellore District and the petitioner/appellant was found guilty and convicted and sentenced as stated at paragraph 2, supra.



4. The learned counsel for the petitioner submitted that both the petitioner/appellant and the victim girl hail from the same village and were previously acquainted. The allegation against the petitioner/appellant is that he had inappropriately touched and kissed the victim girl. He further submitted that the petitioner/appellant was in custody for 195 days during trial since conviction on 26.12.2025, he has been in custody for more than three months.

5. Learned Government Advocate (Criminal Side) appearing for the respondent/Police opposed for grant of suspension of sentence and his subsequent release on bail stating that the trial Court, after taking into consideration the oral and documentary evidence produced by the prosecution, rightly found the petitioner/appellant guilty and convicted and sentenced him, as stated above.

6. Heard the learned counsel for the petitioner/appellant and the learned Government Advocate (Criminal Side) for the respondent/Police and perused the materials on record.

7. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side and that



the petitioner/appellant has been in jail for a substantial period of time, this Court is inclined to grant the relief of suspension of sentence and the petitioner/appellant is ordered to be released on bail, till the disposal of the Criminal Appeal, on certain conditions.

8. Accordingly, till the disposal of the appeal, the substantive sentence of imprisonment alone is suspended and the petitioner/appellant is ordered to be released on bail, subject to 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 Court under POCSO Act, Vellore, Vellore District;
- ii. The petitioner 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.
- iii. The petitioner 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.

iv. The petitioner shall not enter into the jurisdictional limits of the respondent All Women Police Station, Gudiyatham, until further orders from this Court, except for the purpose of attending the Court proceedings.

9. This Criminal Miscellaneous Petition stands ordered accordingly.

06-04-2026

Sni

To

1.The Inspector of Police,
All Women Police Station,
Gudiyattam, Vellore District.

2.Special Court under POCSO Act, Vellore,
Vellore District.

3.The Superintendent,
Central Prison, Vellore.

4.The Public Prosecutor,
High Court of Madras.



WEB COPY

CRL.MP.No.3684 of 2



A.D.JAGADISH CHANDIRA, J.

Sni

CRL.MP.No.3684 of 2026
in CRL.A.No.229 of 2026

06-04-2026