



Crl.MP.No.4977 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2026

CORAM:

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

Crl.MP.No.4977 of 2026

in

Crl.A.No.294 of 2026

Selvakumar

...Petitioner

Vs.

State rep. by,
The Inspector of Police,
Reddiarpalayam Police Station,
Puducherry.
(Crime No.176 of 2021)

...Respondent

Criminal miscellaneous petition filed under Section 430(1) of BNSS, seeking suspension of sentence to the appellant imposed in Special Sessions Case No.259 of 2023 by the learned Sessions Judge, FTC (POCSO Act), Pondicherry dated 18.08.2025 and enlarge the appellant on bail pending on the Crl.A.No.294 of 2026.

For Petitioner : Mr.M.Sivabalan

For Respondent : Mr.M.V.Ramachandra Murthy,
Public Prosecutor (Puducherry)
Assisted by Mr.M.Thamizhmani



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ORDER

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This criminal miscellaneous petition has been filed by the petitioner seeking suspension of sentence imposed by the learned Sessions Judge, FTC (POCSO Act), Pondicherry, in Special Sessions Case No.259 of 2023, vide judgment dated 18.08.2025.

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

<i>Under Section</i>	<i>Sentence</i>
10 of the POCSO Act	To undergo five years rigorous imprisonment and a fine of Rs.10,000/-, in default, to undergo three months simple imprisonment.
366 of IPC	To undergo six months rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment.

3. Learned counsel for the petitioner/appellant submitted that although the victim admitted to being shown CCTV footage prior to the identification parade in jail, the said footage was not marked as an evidence before the trial court. He further submitted that the petitioner is an innocent person and it is a case of mistaken identity and he has been



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falsely implicated in this case. He also submitted that the petitioner was in jail for a period of 67 days during trial and he has been in jail for about seven months from the date of conviction 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 Public Prosecutor (Puducherry) appearing for the respondent submitted that the petitioner had continuously monitored the movements of the victim and on the date of the incident, as the victim was entering the school, the petitioner inappropriately touched her and pushed her down, causing her to sustain injuries. He further submitted that both the victim and the school watchman identified the petitioner as the assailant and based on the registration number of the vehicle, the petitioner was traced, arrested and remanded to judicial custody. Hence, 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

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committed by the petitioner, he 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 on either side and also taking note of the period of incarceration undergone by the petitioner/appellant, 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 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 Sessions Judge, FTC (POCSO Act), Pondicherry 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.



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(ii) The petitioner/appellant shall appear before the Karaikkal Town Police Station everyday at 5.30 p.m., until further orders.

8. This criminal miscellaneous petition stands ordered accordingly.

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To:

1. The Sessions Judge, FTC (POCSO Act),
Pondicherry.
2. The Special Court Judge,
Pondicherry.
3. The Central Prison,
Kalapet, Pondicherry.
4. The Inspector of Police,
Reddiarpalayam Police Station,
Puducherry.
5. The Public Prosecutor,
Madras High Court.

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A.D.JAGADISH CHANDIRA, J.

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