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CRL MP No. 3244 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**CRL MP No. 3244 of 2026
in Crl.A.No.207 of 2026**

Mohan
S/o.Sundarraaj,
Madakkan Valavu,
Konagapadi, Omalur Taluk,
Salem District.

..Petitioner(s)

Vs

The State Rep. by the Inspector of Police,
Tharamangalam Police Station,
Salem District.
Cr.No.442/2021

..Respondent(s)

Prayer: This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, to suspend the sentence of imprisonment imposed in the Judgment dated 19.02.2026 passed in SSC No.88 of 2022 on the file of the Sessions Judge, Principal POCSO Court, Salem and enlarge the petitioner on bail pending disposal of the above Criminal Appeal before this Hon'ble Court.

For Petitioner(s): Mr.R.Nalliyappan

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

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 19.02.2026 passed in



SSC.No.88/2022 by the Sessions Judge, Principal POCSO Court, Salem, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

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2. The petitioner/accused in SSC.No.88/2022 was convicted by the Trial Court by judgment dated 19.02.2026, for the offence under Section 365 of IPC and sentenced to undergo 5 years RI and to pay a fine of Rs.2,000/- (id) to undergo 6 months SI for the said offence. Aggrieved by the same, he filed Crl.A.No.207 of 2026 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

3.The gist of the allegation is that the petitioner and the victim child had a love affair; that on 04.08.2021, the appellant lured the victim and took her in a motor cycle and kidnapped her from the lawful guardianship and took her to a relative's house and committed penetrative sexual assault on 05.08.2021, after tying a thalli.

4.The learned counsel for the petitioner would submit that the prosecution case in respect of the offence under Section 3 r/w 4(2) of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act, 2006 was disbelieved by the trial Court and the petitioner was convicted for the offence under Section 365 IPC; that the petitioner is related to the victim girl; that since the



petitioner was acquitted of the other offences, the learned Judge ought to have acquitted the petitioner even for the offence under Section 365 IPC; and that in any case, since a fixed sentence of imprisonment has been imposed on the petitioner and substantial grounds have been raised in the above appeal, which requires considered, he prayed that the sentence imposed on the petitioner be suspended.

5. Heard the learned Government Advocate (Crl. Side) and perused the materials available on record.

6. As submitted by the learned counsel for the petitioner, it is seen that the petitioner was acquitted of the offences under Section 3 r/w 4(2) of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act, 2006. The petitioner is admittedly a relative of the victim. Even according to the prosecution, the petitioner and the victim girl had a love affair. Hence, considering that the petitioner has raised substantial grounds, that a fixed sentence of imprisonment has been imposed on the petitioner and the fact that 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.

7. 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/-, with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Principal POCSO Court, Salem;
- (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.

26-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

TSG

Note: Issue order copy on 26.02.2026



To

1. The Sessions Judge,
Principal POCSO Court, Salem.

2. The Superintendent,
Central Prison, Salem.

3. The Inspector of Police,
Tharamangalam Police Station,
Salem District.

4. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

TSG

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