



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2026

CORAM

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

CRL MP No. 5637 of 2026

in

CRL A No. 352 OF 2026

Dilli Babu
S/o.Desing,
No.27, Block No.61, Sunami Quarters,
Ernavoor,
Chennai.

..Petitioner(s)

Vs

State Rep by, Inspector of Police,
Ennore All Women Police Station,
Chennai.
Crime No.1 of 2019

..Respondent(s)

PRAYER: This petition has been filed under Section 430 of BNSS, seeking to suspend the sentence imposed in Spl.S.C.No.57 of 2019 passed by Sessions Judge, Special Court Under POCSO Act, Thiruvallur dated 19.08.2025 and enlarge the petitioner on bail.

For Petitioner(s): Mr.D.Jagan

For Respondent(s): Ms.J.R.Archana, GA(Crl.Side)

ORDER

This petition has been filed seeking to suspend the sentence imposed on the petitioner in Spl.SC.No. 57 of 2019 dated 19.08.2025 on the file of the



Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act,
Thiruvallur, pending disposal of the Criminal Appeal and release the petitioner
on bail.

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2.The petitioner/accused in Spl.SC.No.57 of 2019 was convicted and sentenced by the trial Court by judgment dated 19.08.2025, for the following offences:

<i>Under Section</i>	<i>Sentence</i>
11(i) of POCSO Act	Three years rigorous imprisonment and fine of Rs.5000/-, in default, to undergo one year simple imprisonment.
11(iv) of POCSO Act, 2012	Three years rigorous imprisonment and fine of Rs.5000/-, in default, to undergo one year simple imprisonment.
7 of the POCSO Act, 2012	Three years rigorous imprisonment and fine of Rs.5000/-, in default, to undergo one year simple imprisonment.

The sentences were ordered to be run consecutively.

3.The case of the prosecution is that on 06.01.2019, around 2 p.m, while the victim girl (PW2) was returning from the beauty parlour along with her sister(PW3) and friend (PW4), the petitioner/accused, in an inebriated condition had stalked the victim girl and teased and threatened her and torn the tops of the victim girl by knife and touched her chest with an sexual intent and attacked

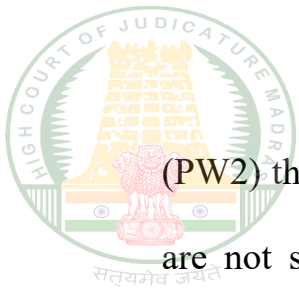


her with a morunga stick and when the mother of the victim girl(PW1) had questioned the petitioner/accused, he ran away from the place of the occurrence.

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4. On 11.01.2019, based on the complaint given by the mother of the victim girl(PW1), a case in Cr.No.1 of 2019 was registered by the respondent police and after completing investigation, the respondent filed the final report for the offences under Sections 294(b), 324, 506(ii) IPC, 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 and 8 of POCSO Act. The case was taken up for trial on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvallur and on the side of the prosecution, PW1 to PW12 were examined and Exs.P1 to P12 and MO1 and MO2 were marked. After examining the witnesses, when the petitioner/accused was questioned, he denied the charges and after hearing the both sides, the trial Court had found the petitioner/accused guilty and convicted and sentenced him for the offences under Sections 11(i) r/w.12, 11(iv) r/w 12, and 7 r/w.8 of the POCSO Act, 2012 and acquitted him under Section 324 IPC and the sentences were ordered to be run consecutively.

5. The learned counsel for the petitioner/accused would submit that the trial Court failed to take into consideration the delay in filing the complaint. It is an admitted case of the mother of the victim girl (PW1), and the victim girl



(PW2) that there were 4 to 5 persons present at the time of occurrence and they are not sure as to who had torn the tops wore by the victim girl. In such circumstances, the trial Court ought to have given benefit of doubt to the petitioner/accused. Further, the brother of PW1 (PW8) and maternal uncle of the victim girl (PW2), who said to have witnessed the occurrence, is also said to be a eye witness, has not supported the case of the prosecution and he has been treated hostail. The learned counsel further submitted 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/accused has a fair chance of succeeding in the appeal and hence, the sentence imposed on the petitioner/ accused may be suspended and the petitioner/accused may be enlarged on bail.

6. The learned Government Advocate (Crl.Side) has filed a counter affidavit and she would submit that the petitioner/accused in an inebriated condition has stalked the victim girl (PW2) and her sister (PW3) and her friend (PW4), while they were returning from the beauty parlour and teased them and threatened them and torn the tops of the victim girl with knife and touched the victim girl on her chest with sexual intent and attacked her with a morunga stick and she would submit the trial Court had rightly taking into consideration the evidence of the witnesses had found the petitioner/accused guilty. Given the grievous nature of the offence, she strongly opposed for granting suspension of



sentence to the petitioner/appellant.

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7. Heard the learned counsel on either side and perused the entire materials available on record.

8. In view of the above, the petitioner/accused has made out a prima facie case for grant of suspension of sentence. Accordingly, this Court is inclined to grant the relief of suspension of sentence to the petitioner/accused, till the disposal of the criminal appeal, on certain conditions.

9. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner/accused 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, out of whom one surety must be a blood related surety, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court to deal with cases related to POCSO Act at Tiruvallur, and on further conditions that:-

(i) 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.

(ii) The petitioner/ accused 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.

10. This criminal miscellaneous petition stands ordered accordingly.

17-04-2026

Neutral Citation: Yes/No

DN

To

1.The Sessions Judge, Special Court Under POCSO Act,
Thiruvallur

2.Inspector of Police,
Ennore All Women Police Station,
Chennai.

3.The Public Prosecutor,
High Court of Madras.

4.The Superintendent,
Central Puzhal Prison-I at Chennai.



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CRL MP No. 5637 of 2



A.D.JAGADISH CHANDIRA J.

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