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CRL MP No. 4612 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

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

CRL.MP.No.4612 of 2026
in CRL.A.No.265 of 2026

Mir Baquar Ali

..Petitioner(s)

Vs

1. The Deputy Superintendent of Police,
Vellore Sub Division,
Vellore District.
2. The Inspector of Police,
All Women Police Station,
Vellore,
Vellore District.
Crime No.09 OF 2023
3. Xxxxx, F/38

..Respondent(s)

Prayer: Criminal Miscellaneous Petition filed under Section 430 (1) of BNSS Act, to suspend the sentence U/s 9(f) r/w Section 10 of POCSO Act for rigorous imprisonment for 5 years and a fine of Rs.20,000/- in default, three months rigorous imprisonment passed in SPL.S.C.NO.115 of 2023 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Vellore, Vellore District, vide order dated 18-02-2026, pending disposal of the Criminal Appeal.



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For Petitioner : Mr.K.Sathish Kumar
For R1 & R2 : Mr.S.Udayakumar,
Government Advocate (Crl. Side)
For R3 : No appearance

ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence of imprisonment, imposed by the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Vellore District in Spl.SC.No.115 of 2023 vide judgment dated 18.02.2026 and to enlarge the petitioner/appellant on bail, pending disposal of the Criminal Appeal.

2. The petitioner/appellant was convicted for the offence under Section 9(f) r/w Section 10 of the POCSO Act and was sentenced to undergo rigorous imprisonment for 5 years and to pay a fine of Rs.20,000/- in default, to undergo three months rigorous imprisonment.

3. The case of the prosecution is predicated upon a complaint lodged by P.W.1 (the mother of the victim girl), alleging that the petitioner/appellant, who is a tuition teacher, had touched the minor victim inappropriately with sexual



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intent during her tuition classes. Consequently, the respondent Police registered a case in Crime No. 9 of 2023 for the offence punishable under Section 9(f) & 10 of POCSO Act. Given that the victim belongs to the Scheduled Caste community, the offences were altered. Upon completion of the investigation, the respondent Police filed a final report before the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Vellore District, for the offences punishable under Sections 9(f) & 10 of the POCSO Act r/w. Section 3(1)(w)(i) & 3(1)(w)(ii) of SC & ST (Prevention of Atrocities) Amendment Act and the case was numbered as Spl.S.C.No.115 of 2023.

4. During the trial, the prosecution examined 9 witnesses and marked 17 documents. However, no evidence, either oral or documentary, was adduced on behalf of the defence. When the petitioner/appellant was questioned under Section 313 of Cr.P.C., he denied all incriminating circumstances.

5. After hearing the arguments from both sides, the trial Court found the petitioner/appellant guilty and convicted him as aforementioned. Aggrieved by the said conviction and sentence, the petitioner/appellant has preferred the present appeal along with a petition seeking suspension of sentence and his



enlargement on bail.

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6. The learned counsel appearing for the petitioner/appellant submitted that though P.W.2 – victim girl has stated in her evidence that several other students were also present in the tuition along with her on the date of occurrence, the respondent/Police has not examined the other students and they have not been cited as witnesses in this case. He further submitted that the Trial Court also failed to take into consideration the discrepancies and contradictions in the evidence of the witnesses. Further, he 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 that 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.

7. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/Police submitted that the prosecution has established the case beyond reasonable doubt and the petitioner/appellant has not made out any case for suspension of sentence and his subsequent release on



bail.

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8. 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.

9. Considering the facts and circumstances of the case and also the submissions made by the learned counsel on either side, this Court is inclined to grant the relief of suspension of sentence imposed on the petitioner/appellant and the petitioner/appellant is ordered to be released on bail.

10. 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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Vellore;
- ii. The petitioner and the sureties shall affix their photographs



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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 communicate either with the victim girl or her parents.

11. Accordingly, this Criminal Miscellaneous Petition stands ordered.

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To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Vellore.
2. The Deputy Superintendent of Police
Vellore Sub Division, Vellore District.
3. The Inspector of Police,
All Women Police Station,
Vellore, Vellore District.
4. The Superintendent,
Central Prison, Vellore.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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