



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2026

CORAM

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

CRL MP No. 5710 of 2026

in

CRL A No. 367 OF 2026

Nagammal
W/o.Muniyan,
Mariyamman Kovil Street,
Kolapparai Colony,
Thirukoilur.

..Petitioner(s)

Vs

The State rep. by The Inspector of Police,
All Women Police Station,
Gingee.
Crime No.11 of 2015

..Respondent(s)

PRAYER: This petition has been filed under Section 430(1) of Cr.P.C. seeking to suspend the execution of the order passed against the petitioner in Spl.S.C.No.137 of 2019 (Old N.42/2019) by the Learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram dated 17.12.2025 pending disposal of the Criminal Appeal.

For Petitioner(s): Ms.R.Raji

For Respondent(s): Public Prosecutor

ORDER

This petition has been filed seeking to suspend the execution of the order



passed against the petitioner in Spl.S.C.No.137 of 2019 (Old N.42 of 2019) dated 17.12.2025 by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram, pending disposal of the above Criminal Appeal.

2.The petitioner/A2 in Spl.S.C.No.137 of 2019 was convicted and sentenced by the trial Court by judgment dated 17.12.2025, for the following offences:

<i>Under Section</i>	<i>Sentence</i>
5(b)(c) of Immoral Traffic (Prevention) Act, 1956	Seven years rigorous imprisonment and fine of Rs.5000/-, in default, to undergo six months simple imprisonment.
11(i)(ii)(vi) r/w. 12 of POCSO Act, 2012	Three years rigorous imprisonment and fine of Rs.5000/-, in default, to undergo six months simple imprisonment.

3.The case of the prosecution is that the petitioner, along with A1, had taken the victim girl to a lodge and forced her to indulge in prostitution and thus, the petitioner/A2 is alleged to have committed the aforesaid offences.

4.The learned counsel for the petitioner would submit that the petitioner is A2 in this case. The allegation against A1 is that, he who is the friend of the victim's father, had taken her to a lodge and further, the petitioner/A2 along



with A1, had told her that a person would pay her Rs.5,000/- and that she need not worry about anything, that thereafter apprehending danger, the victim girl left the place and that on another occasion, the petitioner /A2 took her to a bathroom and when the victim shouted for help, certain persons assembled and the victim escaped from the place. The learned counsel would further submit that even if these allegations are accepted to be true, they would not constitute any of the offences alleged in this case and that the date of the alleged occurrence is not specifically mentioned and that there is a huge delay in lodging the complaint. She would further submit that A1 in this case has been granted bail in Crl.M.P.No.942 of 2026 in Crl.A.No.58 of 2026 vide order dated 05.02.2026. Hence, the sentence imposed on the petitioner/A2 may be suspended and she may be enlarged on bail.

5.The learned Government Advocate(Crl.Side) has filed counter affidavit. She would submit that the petitioner/A2, along with A1, had taken the victim girl and attempted to indulge her in prostitution and apprehending danger, the victim had run away from that place. Given the grievous nature of the offence, she strongly opposed for granting suspension of sentence to the petitioner/A2.

6. Heard the learned counsel on either side and perused the entire material available on record including Section 164 Cr.P.C statement.



7. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner/A2 that the petitioner/ A2 has been in prison from the date of judgment ie., 17.12.2025, this Court is inclined to grant the relief of suspension of sentence and bail to the petitioner/A2, till the disposal of the criminal appeal, on certain conditions.

8. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner/A2 is ordered to be released on bail on her executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 Villupuram, 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/A2 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 she is not able to appear before the trial court on any day, she 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 her absence, as directed by the trial court.

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9. This criminal miscellaneous petition stands ordered accordingly.

15-04-2026

Neutral Citation: Yes/No

DN

To

1. The Inspector of Police,
All Women Police Station,
Gingee.

2. The learned Sessions Judge, Special Court to deal with cases related to
POCSO Act at Villupuram.

3. The Superintendent,
Special Prison for Women, Vellore.

4. The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA J.

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