



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. 5162 of 2026

in

CRL A NO. 309 OF 2026

Dinesh
S/o.Ganapathi,
Ambedkar Nagar,
Krishnagiri District.

..Petitioner(s)

Vs

The State by The Inspector or Police,
All Women Police Station,
Krishnagiri,
Cr.No.48/2022.

..Respondent(s)

PRAYER: This petition has been filed under Section 389(1) & (2) of Cr.P.C. seeking to suspend the sentence of imprisonment passed by the trial court viz, the Sessions Court, (Mahila Fast Track) at Krishnagiri dated 05.02.2026 in Spl.SC No.17 of 2023 and direct the release of the petitioner/appellant, pending disposal of the appeal.

For Petitioner(s): Mr.S.Kingston Jerold

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

**ORDER**

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This petition has been filed seeking to suspend the sentence of imprisonment passed by the learned Sessions Judge, (Mahila Fast Track) at Krishnagiri dated 05.02.2026 in Spl.SC No.17 of 2023, pending disposal of the above appeal.

2.The petitioner/accused in Spl.S.C.No.17 of 2023 was convicted and sentenced by the trial Court by judgment dated 05.02.2026, for the following offence:

<i>Under Section</i>	<i>Sentence</i>
9(m) r/w.10 of POCSO Act, 2012	Five years rigorous imprisonment and fine of Rs.1000/-, in default, to undergo six months simple imprisonment.

The period already undergone by the petitioner/accused was ordered to be set off against the sentence under Section 428 of Cr.P.C and a compensation of Rs.50,000/- was also awarded to be paid to the victim within 30 days.

3.The learned counsel for the petitioner would submit that the victim, in her evidence before the Court, had other than saying that the petitioner/accused in an inebriated condition pulled her hand, had not stated anything as if the petitioner/accused had committed any act with sexual intent. In such



circumstances, the trial Court ought not to have convicted the accused for offence under Section 9(m) r/w.10 of POCSO Act, 2012. He would submit that the petitioner/accused was on bail during trial and he has not misused the liberty granted to him and he would further submit that after conviction on 05.02.2026, the petitioner/accused has been in custody for more than two months. Hence, the sentence imposed on the petitioner/accused may be suspended and he may be enlarged on bail.

4. The learned Government Advocate(Crl.Side) has filed a counter affidavit. She would submit that as per the case of the prosecution, the petitioner/accused, in an inebriated condition, has waylaid the victim on her way to school and pulled her hand and attempted to hug her. Given the grievous nature of the offence, she strongly opposed for granting suspension of sentence to the petitioner/accused.

5. Heard the learned counsel on either side and perused the entire material available on record, including the deposition of the victim, who has been examined as PW2.

6. 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.

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7. 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(Mahila Fast Track Court), Krishnagiri, 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 stay at Krishnagiri and 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.

8. It is made clear that the petitioner/accused shall not enter into the jurisdictional limits of Kaveripattinam Police Station, Krishnagiri District and also not communicate with the victim and her family members.



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9. This criminal miscellaneous petition stands ordered accordingly.

15-04-2026

Neutral Citation: Yes/No

DN

To

1. The Inspector or Police,
All Women Police Station,
Krishnagiri,

2. The Sessions Court, (Mahila Fast Track) at Krishnagiri

3. The Superintendent,
Central Prison, Salem.

4. The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA J.

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