



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. 5714 of 2026

in

CRL A NO. 368 OF 2026

K.Kujan
S/o Kanagaraj,
Bajanai Koil Street,
V.Sathanur,
Vikaravandi Taluk,
Villupuram.

..Petitioner(s)

Vs

The State rep by, The Inspector of Police
AWPS,
Villupuram.

..Respondent(s)

PRAYER: This petition has been filed under Sections 389(i) Cr.P.C./430(i) BNSS seeking to suspend the sentence imposed on the petitioner in Spl.SC.No.120 of 2021 dated 12.03.2026 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram, pending disposal of the Criminal Appeal and release the petitioner on bail.

For Petitioner(s): Mr.V.Pavel

For Respondent(s): Mr.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.120 of 2021 dated 12.03.2026 on the file of the



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

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2.The petitioner/appellant in Spl.SC.No.120 of 2021 was convicted and sentenced by the trial Court by judgment dated 12.03.2026, for the following offences:

<i>Under Section</i>	<i>Sentence</i>
354(D) IPC	Three years rigorous imprisonment and fine of Rs.5000/-, in default, to undergo one month simple imprisonment.
5(1) r/w. 6 of POCSO Act, 2012	Twenty years rigorous imprisonment and fine of Rs.5000/-, in default, to undergo six months simple imprisonment.

The sentences were ordered to be run concurrently.

3.The learned counsel for the petitioner/appellant would submit that the petitioner/appellant and the victim are residing in adjacent houses and known to each other for a long time. At the time of occurrence, the victim was 16 years old and there was a love affair between them. Apart from that, there were disputes between the family of the petitioner/appellant and the family of the victim on account of enmity with regard to pathway and election disputes. The parents of the victim, who were against the relationship between the



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petitioner/appellant and the victim, had instigated her to give a false complaint, based on which, a case was registered and the petitioner/appellant was found guilty by the trial Court. He would further submit that the victim had admitted to the love affair between her and the petitioner/appellant at the time of production before the medical officer (PW14) and it has also been recorded in the Accident Register (Ex.P8). The learned counsel would also rely a decision of the Hon'ble Supreme Court in (2026 INSC 47) in *State of Uttar Pradesh Vs. Anurudh & Anr*, wherein, the Hon'ble Supreme Court has noted the fact of the POCSO Act being misused even when the case is one of a romantic/consensual relationship between adolescents or one where the prosecutrix/victim is adolescent and when the age gap between the parties is not substantial. The petitioner/appellant was in judicial custody from 29.05.2021 till 23.06.2021 and subsequently, he was released on bail during trial and he has not misused the liberty granted to him. He would further submit that the victim has attained majority and she is also pursuing her medical course. The petitioner/appellant is an agriculturist and he has been elected as the Vice President of the Local Panchayat and despite the victim being ready to marry the petitioner/appellant, her parents are objecting the same. Hence, the sentences imposed on the petitioner/appellant may be suspended and he may be enlarged on bail.

4.The learned Government Advocate (Crl.Side) has filed a counter affidavit and she would submit that the petitioner/appellant, who is a neighbour

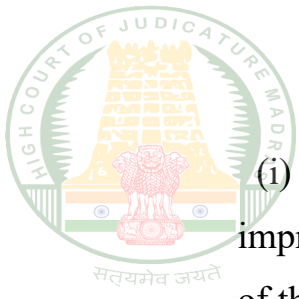


of the victim, engaged in acts of stalking, deterred the victim, and thereafter committed penetrated sexual assault upon her. Given the grievous nature of the offence, she strongly opposed for granting suspension of sentence to the petitioner/appellant.

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

6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner that the petitioner/ appellant has not misused the liberty granted to him during trial and he is cooperated with the proceedings, this Court is inclined to grant the relief of suspension of sentence to the petitioner/appellant, till the disposal of the criminal appeal, on certain conditions.

7. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner/appellant is ordered to be released on bail on his 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/appellant 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.

8. This criminal miscellaneous petition stands ordered accordingly.

15-04-2026

Neutral Citation: Yes/No

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To

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

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

3. The Superintendent,
Central Prison, Cuddalore.

4. The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA J.

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