



Crl.M.P.No.6318 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2026

CORAM:

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

Crl.M.P.No.6318 of 2026

in

Crl.A.No.427 of 2026

Manikandaraja

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Dharapuram All Women Police Station,
Tiruppur District.

(Crime No.03 of 2022)

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence of the petitioner imposed by the judgement dated 16.02.2026 by the learned Sessions Judge, Mahalir Needhimandram (Fast Track Court), Tiruppur, in Spl.S.C.No.96 of 2022 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Ms.R.Rajeswari for
Mr.R.Prabakar

For Respondent : Ms.J.R.Archana
Government Advocate (Criminal Side)



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ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence of imprisonment, imposed by the learned Sessions Judge, Mahalir Needhimandram (Fast Track Court), Tiruppur, in Spl.S.C.No.96 of 2022, vide judgment dated 16.02.2026.

2. The brief facts of the case are as follows:-

2.1. The case of the prosecution arises out of a complaint lodged by P.W.2, Headmistress of the School, alleging that the petitioner had sent obscene and sexually explicit messages to the victim girl who was a student of the said School. Based on the said complaint, a case in Crime No.3 of 2022 was registered by the respondent police for the offences punishable under Sections 11(i) r/w 12 and 11(iv) r/w 12 of the POCSO Act, Sections 354D and 354A(1)(i) of the IPC and Section 67 of the IT Act.

2.2. After completion of investigation, the investigating officer filed a charge sheet before the learned Sessions Judge, Mahalir Needhimandram (Fast Track Court), Tiruppur and the same was taken on file as Spl.S.C.No.96 of 2022.



2.3. On issuance of summons, the accused appeared before the Court and in compliance of Section 207 of Cr.P.C., copies of relied upon documents were furnished to him.

2.4. After hearing the counsel on both sides, charges were framed against the accused. During initial questioning in respect of the incriminating materials, the accused denied the charges and sought trial.

2.5. On the side of the prosecution, P.W.1 to P.W.16 were examined and Exs.P1 to P13 and P.M.O.1 were marked. On the side of defence, neither oral nor documentary evidence was adduced.

2.6. The trial Court, after hearing the arguments on both sides and upon consideration of the entire materials on record, found the petitioner/appellant guilty of the offences charged and convicted and sentenced him vide judgment dated 16.02.2026 as follows:-

<i>Under Section</i>	<i>Sentence</i>
11(i) r/w 12 of the POCSO Act	three years rigorous imprisonment and fine of Rs.5,000/-, in default, to undergo three months simple imprisonment.
11(iv) r/w 12 of the POCSO Act	three years rigorous imprisonment and fine of Rs.5,000/-, in default, to undergo three months simple imprisonment.
354D of IPC	three years rigorous imprisonment and fine of Rs.5,000/-, in default, to undergo three months simple imprisonment.



354A(1)(i) of IPC	three years rigorous imprisonment and fine of Rs.5,000/-, in default, to undergo three months simple imprisonment.
67 of the IT Act	three years rigorous imprisonment and fine of Rs.1,00,000/-, in default, to undergo six months simple imprisonment.
The sentences were ordered to run concurrently.	

3. The learned counsel for the petitioner submitted that the case of the prosecution has not been established by cogent and reliable evidence, including scientific evidence. The victim girl and her parents did not support the case of the prosecution during trial and were treated as hostile witnesses. She further submitted that the petitioner was arrested and after a period of two months, was released on bail, during which period he did not misuse the liberty so granted. Subsequent to the conviction on 16.02.2026, the petitioner has been in incarceration for more than two months. He also submitted that there are arguable points available in the Criminal Appeal, which is unlikely to be taken up for final hearing in the near future and the petitioner/appellant has a fair chance of succeeding in the appeal. Hence, the sentence imposed on the petitioner/appellant may be suspended.



4. Learned Government Advocate (Criminal Side) appearing for the respondent filed a detailed counter and submitted that though the victim and her parents have not supported the case of the prosecution and were treated as hostile, the classmates of the victim examined as P.W.9, P.W.13 and P.W.14, have categorically deposed that the victim had shown them the obscene and sexually explicit messages sent by the accused. She also submitted that the trial Court, after taking into consideration the oral and documentary evidence adduced by the prosecution, rightly found the petitioner/appellant guilty and convicted and sentenced him, as stated above.

5. Heard the learned counsel for the petitioner/appellant and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials on record.

6. 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 suspend the sentence of imprisonment imposed on the petitioner/appellant and also grant bail to him. Accordingly, till the disposal of the appeal, the relief suspension of sentence is granted to the petitioner/appellant and he is ordered to be released on bail, subject to the



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following conditions:-

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“(i) The petitioner/appellant shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Needhimandram (Fast Track Court), Tiruppur;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank Pass Book and mobile numbers to ensure their identity;

(iii) 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.

(iv) The petitioner shall not enter into the jurisdictional limit of the respondent police and shall also not communicate with the victim or her relatives”

7. Accordingly, the Criminal Miscellaneous Petition stands ordered.

20.04.2026

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- To
1. The Sessions Judge,
Mahalir Needhimandram (Fast Track Court),
Tiruppur.
 2. The Inspector of Police,
Dharapuram All Women Police Station,
Tiruppur District.
 3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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