



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

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

CRL MP No. 7092 of 2026

in

CRL A No.496 of 2026

Tamilarasan @ Tamil

..Petitioner(s)

Vs

The State Rep By Its
The Inspector of Police
W-22 All Women Police Station,
Mylapore, Chennai.
Cr.No.9 of 2024

..Respondent(s)

Criminal miscellaneous petition filed under Section 430(1) of BNSS, seeking to suspend the sentence imposed by the judgment passed against eh petitioner in SPL.S.C.No.259 of 2024 on 12.11.2025 by the learned Sessions Judge, Special Court for Exclusive Trial of Cases Under Protection of Children from Sexual Offences Act, Chennai and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner(s):

Mr.P. Thinesh

For Respondent(s):

Ms.J.R.Archana, GA(Crl. Side)

**ORDER**

This criminal miscellaneous petition has been filed by the petitioner seeking suspension of sentence imposed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases Under Protection of Children from Sexual Offences Act, Chennai, in SPL.S.C.No.259 of 2024, vide judgment dated 12.11.2025.

2. The conviction and sentence imposed against the petitioner, vide impugned judgment are as follows:-

<i>Under Section</i>	<i>Sentence</i>
10 of POCSO Act	To undergo 7 years rigorous imprisonment and pay a fine of Rs.50,000/-, in default, to undergo 1 month simple imprisonment.
75 of JJ Act	Since the accused is convicted under Section 10 of POCSO Act and sentenced to 7 years of rigorous imprisonment and fine is also imposed on conviction, sentence under Section 75 of JJ Act is passed and he is acquitted of the charge under Section 75 of JJ Act.

3. Learned counsel for the petitioner submitted that the incident occurred during a quarrel between the petitioner and his live-in partner. According to the prosecution, the petitioner is alleged to have beaten the victim. Furthermore,



there is absolutely no material to show that the petitioner committed any sexual offence; a long-standing affair cannot be used to bring such charges against the petitioner simply because the relationship turned sour. However, without considering these facts, the trial court, via the impugned judgment, convicted the petitioner of the aforementioned offences. Learned counsel further submitted that Crl.M.P. No. 6258 of 2026 in Crl.A. No. 420 of 2026 deals with a similar matter, in which this Court suspended the sentence. He also 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 the petitioner has a fair chance of succeeding in the appeal and hence, the sentence imposed on the petitioner may be suspended and the petitioner / appellant may be enlarged on bail.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent opposed the grant of suspension of sentence, stating that the charges against the petitioner are heinous in nature. She submitted that the trial court, after taking into consideration the oral and documentary evidence produced by the prosecution, rightly found the petitioner/appellant guilty and convicted and sentenced him as stated above. She further submitted that the petitioner has got some more previous cases registered against him.



5. Heard the learned counsel on either side and perused the materials on record.

6. Considering the facts and circumstances of the case, and taking into account the submissions made by the learned counsel for the petitioner, specifically that the petitioner and the victim were in a prior relationship and that the relief suspension of sentence was granted in a similar case, this Court is inclined to grant the reliefs of suspension of sentence and bail to the petitioner, pending disposal of the criminal appeal, subject to 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.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 Protection of Children from Sexual Offences Act, Chennai 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 317 of Cr.P.C. 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.

28-04-2026

SHA

To

1.The Inspector of Police
W-22 All Women Police Station,
Mylapore, Chennai.

2.The Central Prison,
Puzhal, Chennai.

3. The Session Judge Special Court
for Exclusive Trial of Cases
Under Protection of Children from
Sexual Offence Act, Chennai.

4.The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA, J.

SHA

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