Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.12011 of 2026 in Crl.A.No.827 of 2026

D.Durai

..Petitioner(s)

Vs

The State Rep By its, The Inspector of Police,
W-33, All Women Police Station,
Madavaram, Chennai - 600 066.
Crime No.20 of 2021.

..Respondent(s)

Prayer: Petition filed under Section 389(1) of Cr.P.C. and 430(1) of the BNSS, to enlarge the petitioner on bail by suspending the sentence imposed in Spl.S.C.NO.51 of 2022 the judgement and order dated 08.01.2026 passed by the Special Court for Trial of Cases Under POCSO Act Thiruvallur District.

For Petitioner(s): Mr.M. Dhandapani

For Respondent(s): Ms.Sharada Vivek
Additional Public Prosecutor
assisted by Mr.M.Arun Raj

ORDER

The appeal challenges the judgment passed in Spl.S.C.No.51 of 2022 dated 08.01.2026, holding the petitioner guilty of the offences under Sections 9(m) r/w 10 of the Protection of Children from Sexual Offences Act, 2012, sentencing him to undergo seven years rigorous imprisonment and to pay fine of Rs.10,000/-.

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2. The case of the prosecution is that the petitioner was the neighbour of the victim's grandmother; that on 05.08.2021, he inappropriately called the victim and touched her private parts; that a complaint was lodged on 07.08.2021 and thereafter, the petitioner was prosecuted before the Trial Court.

3. *Mr.M.Dhandapani*, learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated; that the medical evidence does not corroborate with the evidence of the victim; that the victim's family and the petitioner had prior enimity and there are several arguable points in the above appeal. He would further submit that the petitioner is in custody from 08.01.2026, as against the total fixed sentence of seven years.

4. Heard *Ms.Sharada Vivek*, learned Additional Public Prosecutor for the respondent and perused the counter affidavit.

5. The petitioner is in custody from 08.01.2026. The petitioner has raised substantial grounds in the above appeal and the question as to whether conviction could be sustained on the sole testimony of the victim has to be considered. Considering the above facts, and since a fixed sentence of imprisonment has been imposed on the petitioner and the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

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6. Accordingly, this criminal miscellaneous petition stands allowed, and the sentence imposed on the petitioner is suspended till the disposal of the above criminal appeal, and the petitioner is ordered to be released on bail on the following conditions:

(a) The petitioner shall execute 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 Special Court for Trial of Cases Under POCSO Act, Thiruvallur District;

(b) 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; and

(c) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal 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 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.

28-10-2026

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Note: Issue order copy on 28.10.2026.

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To:

1. The Inspector of Police,
   W-33, All Women Police Station,
   Madavaram, Chennai - 600 066.
   Crime No.20 of 2021.

2. The Special Court for Trial of Cases Under POCSO Act,
   Thiruvallur District.

3. The Public Prosecutor,
   Madras High Court, Chennai.

4. The Superintendent of Prison
   Central Prison, Puzhal, Chennai.

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SUNDER MOHAN, J.

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