



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-04-2026

CORAM

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

CRL MP No. 7047 of 2026

in

CRL A No.485 of 2026

Surat

..Petitioner(s)

Vs

State Rep. by, The Inspector of Police,
Mathikonpalayam Police Station,
Dharmapuri.
Crime No.54/2021

..Respondent(s)

Criminal miscellaneous petition filed under Section 430(1) of BNSS, seeking to suspend the execution of the conviction and sentence imposed against the petitioner/appellant/accused in Spl.S.C.No.143 of 2023 dated 11.03.2026 by the Hon'ble Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Dharmapuri and enlarge him on bail pending disposal of the above Criminal Appeal and thus render justice.

For Petitioner(s): Mr.O.Raman

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 the POCSO Act, Dharmapuri, in Spl.S.C.No.143 of 2023 dated 11.03.2026.



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

<i>Under Section</i>	<i>Sentence</i>
11(i), 11(iv) r/w.12 of POCSO Act, 2012	To undergo three years rigorous imprisonment and pay a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment.
9(1) r/w. 10 of POCSO Act, 2012	To undergo five years of rigorous imprisonment and pay a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment.

The aforesaid sentences were ordered to run concurrently.

3.The prosecution's case is that the petitioner/appellant, a college student, stalked the minor victim while she was travelling to school via public transport and inappropriately touched her with sexual intent. Upon completion of the evidence recording, the trial court found the accused guilty and convicted and sentenced him as stated above.

4.Learned counsel for the petitioner submitted that the petitioner is a college student from a different community. He brought to the notice of this court that while Prosecution Witnesses (PW) 4 and 5 testified to the incident,



the complaint was lodged by the victim's mother only after she was informed by the physical education training (PET) teacher of the victim's school that the petitioner had touched the victim inappropriately. Learned counsel argued that the trial court failed to consider significant contradictions in the evidence and witness testimonies before erroneously finding the petitioner guilty. He further submitted that the petitioner has been in custody for more than five days following his conviction and he has not misused the liberty granted to him while he was granted bail by the Trial court. 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.

5. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent opposed for grant of suspension of sentence stating that the charges against the petitioner are heinous in nature and 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.



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

7. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner that the petitioner is in custody for more than 5 days after conviction and he was granted bail during the trial and he has not misused the liberty granted to him, this Court is inclined to grant the reliefs of suspension of sentence and bail to the petitioner, till the disposal of the criminal appeal, on certain conditions.

8. 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.15,000/- (Rupees Fifteen 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 the POCSO Act, Dharmapuri, 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.

(iii) The petitioner is prohibited from initiating any form of contact or communication, directly or indirectly, with the victim or her relatives.

9. This criminal miscellaneous petition stands ordered accordingly.

27-04-2026

SHA

To

1. The Inspector of Police,
Mathikonpalayam Police Station,
Dharmapuri.

2. The Central Prison,
Salem.

3. The Sessions Judge,
Special Court for Exclusive Trial of Cases
under the POCSO Act, Dharmapuri.

4. The Public Prosecutor,
Madras High Court.



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CRL MP No. 7047 of 2



A.D.JAGADISH CHANDIRA, J.

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CRL MP No. 7047 of 2026

27-04-2026