



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. 7130 of 2026

in

CRL A No.492 of 2026

Mohan

..Petitioner(s)

Vs

The State of Tamilnadu rep.by,
Inspector of Police,
All Women Police Station,
Melmaruvathur,
Chengalpattu District.
Cr.No.2 of 2020.

..Respondent(s)

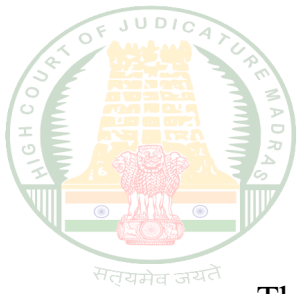
Criminal miscellaneous petition filed under Section 430(1) of BNSS, seeking to Suspend the Sentence imposed on the Petitioner/Appellant in S.C.No.232 of 2022 by the learned Sessions Judge-Mahila Court at Chengalpattu vide judgement dated 27.03.2026 and enlarge the Petitioner/Appellant on bail pending disposal of the Criminal Appeal.

For Petitioner(s):

Mr.A.Ramalingam

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-Mahila Court at Chengalpattu, in S.C.No.232 of 2022, vide judgment dated 27.03.2026.

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

<i>Under Section</i>	<i>Sentence</i>
376 of IPC	To undergo 7 years rigorous imprisonment and pay a fine of Rs.3,000/-, in default, to undergo 3 months simple imprisonment.
417 of IPC	To undergo 1 year rigorous imprisonment and pay a fine of Rs.2,000/-, in default, to undergo 2 months simple imprisonment.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and that he and the de facto complainant had been in a relationship for a significant period. He contended that a false and exaggerated complaint has been made against the petitioner; notably, while the alleged occurrence took place on 14.02.2015, the FIR was registered only on 01.07.2020. However, without considering these facts, the trial court, via the impugned judgment, convicted the petitioner of the aforementioned offences. He further submitted that the petitioner was on bail during the trial and had not misused the liberty

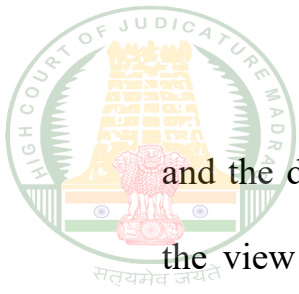


granted to him. He also submitted that there are arguable points in the criminal appeal, which is unlikely to be taken up for final hearing in the near future and the petitioner has a fair chance of succeeding in the appeal and hence, the sentence imposed on the petitioner may be suspended and the petitioner/appellant 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 petitioner engaged in sexual relationship with the de facto complainant on several occasions by making a false promise of marriage, subsequently refusing to marry her and subjecting her to abuse. She further contended that the trial court, after taking into consideration the oral and documentary evidence edduced by the prosecution, rightly found the petitioner/appellant guilty and convicted and sentenced him as stated above.

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

6. Considering the facts and circumstances of the case, and the submissions made by the learned counsel for the petitioner that the petitioner

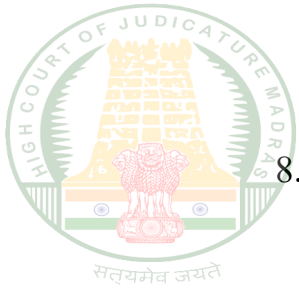


and the de facto complainant were in a long-term relationship, this Court is of the view that a sour relationship cannot be turned into a criminal offence of sexual nature once the bond breaks down and also that the petitioner was on bail during the trial and had not misused the liberty granted to him. Consequently, this Court is inclined to grant the reliefs of suspension of sentence and bail to the petitioner, pending 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.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum, to the satisfaction of the learned Judicial Magistrate-1, Madurantakam, 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.

28-04-2026

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To

1. The Sessions Judge-Mahila Court,
Chengalpattu
2. The Judicial Magistrate-1,
Madurantakam
3. The Central Prison,
Puzhal.
4. The Inspector of Police,
All Women Police Station,
Melmaruvathur,
Chengalpattu District.
5. The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA, J.

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