



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL MP No. 8605 of 2026

IN

CRL A NO. 632 OF 2026

Prabhudas
S/o.Mr.Saminathan,
Main Road, Kuvalaikkal,
Moongilkudi Post,
Nannilam Taluk, Tiruvarur.

..Petitioner(s)

Vs

State rep.by,
The Inspector of Police,
All Women Police Station,
Nannilam, Cr.No.16 of 2022.

..Respondent(s)

PRAYER IN CRL MP No. 8605 of 2026 to suspend the sentence and release the petitioner/appellant on bail in Spl.SC.No.57 of 2022, on the file of the Honble Mahila Court, Tiruvarur convicted vide judgment dated 28.11.2025 and pass such other order or orders as it may deem fit and necessary.

For Petitioner(s):

Mr.M.Deivanandam

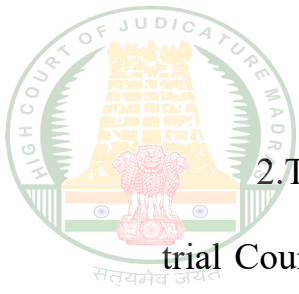
For Respondent(s):

Mrs.Sharada Vivek

Counsel for Govt. of Tamil Nadu

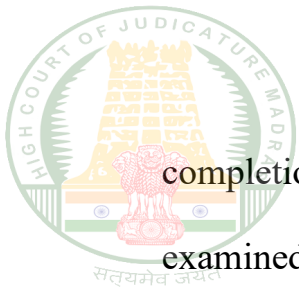
ORDER

This criminal miscellaneous petition has been filed to suspend the sentence and release the petitioner/appellant on bail in Spl.SC.No.57 of 2022, on the file of the Mahila Court, Tiruvarur, convicted vide judgment dated 28.11.2025.



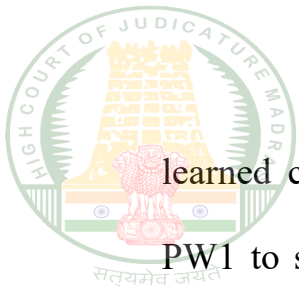
2. The petitioner/accused in Spl.SC.No.57 of 2022 was convicted by the trial Court by judgment dated 28.11.2025 for offences under Section 5(m) r/w Section 6 of the Protection of Children from Sexual Offences Act, 2012 and sentencing him to undergo rigorous imprisonment for 25 years and to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment for 6 months and for offence under Section 9(m) r/w Section 10 of the protection of Children from Sexual Offences Act, 2012 and sentencing him to undergo rigorous imprisonment of 8 years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for 4 months.

3. The case against the petitioner is that the defacto complainant/mother of the victim's states that the victim was born on on 09.01.2013 and was studying in 4th standard. The petitioner, a veterinary compounder, visits village to give treatment for husbandry animals. On 13.06.2022, at about 7.30p.m. the petitioner came to the house of the victim PW1, enquired with regard to the cow and also enquired with regard to the skin disease of the victim girl. When the defacto complainant/victim's mother was sweeping the doorstep, at that time, the petitioner is said to have pinched the victim's chest and inserted his finger into her private part. Thereafter, petitioner left. The victim suffering from pain informed her mother about the petitioner's act and complaint lodged. Victim was taken to the hospital. Doctor examined and issued accident register Ex.P7 and a case has been registered. Accused arrested. Investigation continued. On



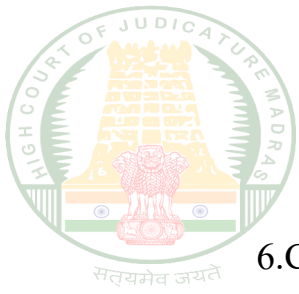
completion of investigation, charge sheet filed. During trial, PW1 to PW13 examined and Exs.P1 to P14 marked. Against the conviction, the present suspension of sentence petition filed.

4.The contention of the petitioner is that the case is on improbability and false implication of the petitioner. In this case, PW1 & PW2 are victim and mother of victim, the act of the petitioner is said to have taken place in presence of both PW1 and PW2. The evidence is that in the presence of mother PW1, the victim PW2's chest was pinched and petitioner inserted his finger in the private part of the victim. The mother of the victim was very much available and it is highly improbable that in the presence of mother, such act would have taken place without notice and victim not crying in any pain. Further, it is submitted that the petitioner only enquired with regard to the skin disease which has been magnified and false complaint given, for the reason that the petitioner was not responding to the calls for animal treatment immediately. But petitioner visiting the tea shop owner and others in the village, who are in the same street, immediately for animals treatment. Hence, there was some animosity between them. That is the reason a exaggerated complaint given and petitioner falsely implicated. The trial Court not considered this aspect. The Doctor who treated the victim PW2 had given medical report found nothing abnormal or any traces of reddishness or any symptoms on the victim. PW2 & PW3 mother and father of the victim confirm it was victim who informed about the petitioner's act. The



learned counsel further referred to the 164 statement and to the evidence of PW1 to show that there are exaggerations and improvements. The admitted position is when the petitioner came, both PW1 and PW2 victim and mother both were together, further there was lighted and place was illuminated. He further submitted that PW1 admits that the petitioner came in a bike and he was sitting on his bike and thereafter, he left. In any event, the evidence of Doctor and the medical records would show that there is nothing to show that there was any symptom of forceful physical touch, no reddishness or injury leading to infer aggravated penetrative sexual assault, committed by the petitioner.

5. The learned counsel for Government of Tamil Nadu filed her counter and submits that the victim studying in class IV, aged about 9 years, which is confirmed by PW7 the Headmistress and PW8 is the Junior Assistant of Electricity Board, who confirmed that on that day, there was no power cut and the lights were glowing. PW1 victim, deposed about the manner in which the petitioner committed aggravated penetrative sexual assault which is confirmed in both of her statements. PW2 mother corroborates the evidence of PW1. PW6 is Doctor, who examined the victim issued AR copy and medical report, witnesses for observation Mahazer, Rough sketch, arrest of the petitioner all examined. The trial Court on the evidence of PW1 & PW2 and on the medical evidence and records rightly convicted the petitioner.



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6. Considering the submission and on perusal of the records, it is seen that in this case PW1 is the victim. In her earliest statement, Ex.P1 recorded under Section 164 Cr.P.C., she states petitioner had come to the house and enquired, improvement of her skin disease and it was in the presence of victim mother, the petitioner and mother of victim was speaking face to face. At that time, petitioner is said to have pinched the victim on her chest and also inserted his finger into her private parts and there are exaggeration and improvement, PW2 mother of the victim also gives an exaggerated version. The admitted position is that PW2 mother of the victim was present and the petitioner at that time is said to have made sexual assault on PW1 which is highly unlikely. Though the victim informed her mother about pain, she had not even whispered or murmured shown any resistance, the pain should be instant, when the mother was very much present, such a conduct would be highly improbable. Further, the doctor PW6 who examined victim and issued Ex.P7 and P8, confirms no reddishness or any marks or any abnormality found on physical examination of the victim which was done immediately. It is also seen that in the AR copy, the name of the accused as veterinary compounder is recorded which causes some doubt. It is not a requirement. Further, from the facts of the case, there is nothing to show that there could have been any penetrative sexual assault.



7. In view of above, the conviction of the petitioner needs reconsideration.

The petitioner is in Central Prison, Tiruhirappalli and there are arguable points involved in this appeal and it would take some time for the appeal to be taken up for final hearing. Hence, this Court is inclined to suspend the sentence imposed on the petitioner.

8. Accordingly, the substantive sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the above appeal and the petitioner is ordered to be enlarged on bail, on condition that he 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 trial Court.

9. Further, the petitioner shall appear before the trial Court at 10.30 a.m. on the first working day of the every month until the disposal of the criminal appeal. Accordingly, this Criminal Miscellaneous Petition is ordered.

29-06-2026

sms

To



1. Mahila Court, Tiruvarur.

2. The Central Prison, Tiruchirappalli.

3. The Inspector of Police,
All Women Police Station,
Nannilam. Cr.No.16 of 2022.

4. The Public Prosecutor
High Court, Madras.



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M.NIRMAL KUMAR, J.

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