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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No.10544 of 2026
in
Crl.A.No.747 of 2026

B.Vinoth Kumar
S/o.Basker,
No.7, Muthamizh Nagar,
Jafferkhanpet, Ashok Nagar,
Chennai - 600 083.

Present address No.34/10,
Vadivel Main Road,
Jafferkhanpet,
Chennai - 600 083.

...Petitioner/Appellant/
Sole Accused

Vs

State By :
The Inspector of Police,
W-20, AWPS, Saidapet, Chennai.
Crime No.07/2025.

...Respondent/Respondent/
Complainant

Prayer : The Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS Act, 2023, to suspend the sentence passed by the Learned Sessions Judge, Special Court of Exclusive Trial Cases under POCSO Act, Chennai, in Spl S.C. No.179 of 2025, Judgment dated 20-04-2026 and he may be enlarged on Bail till disposal of the above said appeal.

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For Petitioner: Mr.D.Percivul Pericles
for Mr.S.Vijayaraghavan

For Respondent: Ms.Sharada Vivek
Additional Public Prosecutor

ORDER

The Criminal Appeal challenges the Judgment passed in Spl.S.C.No.179 of 2025 by the learned Sessions Judge, Special Court of Exclusive Trial Cases under POCSO Act, Chennai, holding the petitioner guilty of the offence under Section 9(m)(n) r/w 10 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as "***the POCSO Act***") and sentencing him to undergo RI for seven years with a fine of Rs.1,00,000/- i/d to undergo SI for six months.

2. It is the case of the prosecution that the petitioner is the biological father of the victim aged 5 years at the time of occurrence; that on 16.04.2025, the accused picked up his daughter from the school and when both of them were alone at home, he removed the uniform of the victim girl and applied his mouth on the private part of the victim and thus committed the aforesaid offence.

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3. The learned counsel for the petitioner/appellant would submit that the prosecution case is false; that the complaint was filed by P.W.2, the mother of the victim; that she turned hostile to the prosecution case; that there is no medical evidence to corroborate the victim's version; that the Judgment of conviction based on the sole testimony of the victim whose evidence does not inspire confidence is liable to be set aside; and that as against the fixed sentence of imprisonment, he has already served six months of imprisonment and prayed for suspension of sentence pending disposal of the appeal.

4. Heard the learned Additional Public Prosecutor for the respondent and perused the counter affidavit.

5. The petitioner has raised substantial grounds in the above appeal, which requires consideration. He is in custody from 19.04.2025. The appeal is not likely to be taken up in the near future.

6. Considering the period of incarceration and the fact that the fixed sentence of imprisonment was imposed on the petitioner, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

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7. 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 Sessions Judge, Special Court of Exclusive Trial Cases under POCSO Act, Chennai;

(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.

11-11-2026

Note: Issue order copy today.

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To

1. The Sessions Judge,
   Special Court of Exclusive Trial Cases under POCSO Act,
   Chennai.

2. The Superintendent of Prison,
   Central Prison – I,
   Puzhal, Chennai.

3. The Inspector of Police,
   W-20, AWPS, Saidapet,
   Chennai.

4. The Public Prosecutor,
   High Court of Madras,
   Chennai – 600 104.

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SUNDER MOHAN, J.

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