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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 14000 of 2026
AND
CRL A NO. 947 OF 2026

Deepak
S/o. Singaravelan,
No.37, Vadukapalayam,
Karapadi, Erode-638 459.
(Now he is confined at Central Prison,Coimbatore)

..Petitioner/Accused

Vs

The State Rep. by, The Inspector of Police
Anupparpalayam Police Station,
Tiruppur District.
Crime No.759 of 2023.

..Respondent(s)

CRL A No. 947 of 2026

Case QR

CNR:{HCMA011606772026}

Deepak
S/o. Singaravelan,
No.37, Vadukapalayam,
Karapadi, Erode-638 459.
(Now he is confined at Central Prison,Coimbatore)

..Appellant(s)

Vs

The State Rep. by, The Inspector of Police
Anupparpalayam Police Station,
Tiruppur District.
Crime No.759 of 2023.

..Respondent(s)

Prayer : Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, praying to suspend the sentence imposed by the Hon'ble Mahalir

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Neethimandram, Fast Track Mahila Court at Tiruppur in Spl.S.C.No.86 of 2023 in Crime No.759 of 2023 dated 26.09.2025 and release the Petitioner on bail pending disposal of the above said Criminal Appeal.

For Petitioner(s): Mr. D. Percivul Pericles
For Mr. Satishchenduran

For Respondent(s): Ms. Sharada Vivek,
Additional Public Prosecutor

Order

The Criminal Appeal challenges the Judgment passed in Spl.S.C.No.86 of 2023 by the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Tiruppur, holding the petitioner guilty of the offence under Sections 363 of I.P.C. and Section 5(l) r/w 6 of Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as ***"the POCSO Act"***), and sentencing him as follows:

Offence under Section	***Sentence imposed***
363 IPC	To undergo rigorous imprisonment for seven years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a further period of two months.
5(l) r/w 6 of POCSO Act, 2012	To undergo rigorous imprisonment for twenty years and to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment for a further period of six months.
The sentences were ordered to run concurrently.	

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2. It is the case of the prosecution that the appellant and the victim had a romantic relationship; that the appellant, who was aged about 29 years, had lured the victim, aged about 15 years at the time of occurrence and had sexual intercourse on three occasions, i.e., 22.06.2023, 26.06.2023 and thereafter, when they both left from the house on 30.06.2023 and thus, committed the aforesaid offences.

3. The Trial Court, believing the evidence of the victim and other evidence adduced on the side of the prosecution, convicted the petitioner as stated above.

4. The learned counsel for the petitioner would submit that though it is alleged that the relationship was consensual, the evidence of the victim would show that she is not a reliable witness in view of the contradictions and the evidence adduced on the side of the defence and prayed for suspension of sentence pending disposal of the appeal.

5. The learned Additional Public Prosecutor, however, would contend that minor contradictions would not discredit the evidence of the victim; that consent is immaterial, since the prosecution had proved that the victim was 15 years old at the time of the occurrence by marking the birth certificate; and that the petitioner had not made out a case for suspension of sentence.

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6. It is not in dispute that the relationship between the appellant and the victim was consensual in nature. However, the prosecution proved that the victim was a minor. The question is whether the conviction can be sustained on the sole testimony of the victim. This has to be examined in the appeal. The petitioner has made out a *prima-facie* case, in as much as, the documents marked would show that on 22.06.2023, the victim attended the class and could not have gone to Ooty from Tiruppur as claimed by the prosecution; and even as regards the second incident that took place on 26.06.2023, the victim's evidence is contrary to the documents produced by the prosecution. The appeal is not likely to be taken up in the near future.

7. Considering all the above facts, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

8. 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, Mahalir Neethimandram (Fast Track Mahila Court), Tiruppur;

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(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.

04-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
RSI

Note: Issue order copy on 05.11.2026

To

1.The Sessions Judge,
Mahalir Neethimandram (Fast Track Mahila Court),
Tiruppur.

2.The Inspector of Police
Anupparpalayam Police Station,
Tiruppur District.

3.The Superintendent of Prison,
Central Prison, Coimbatore.

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

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SUNDER MOHAN J.

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