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CRL MP No. 14023 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**Crl MP No. 14023 of 2024
in Crl.A.No.228 of 2024**

Senthil Prabhu
Son of Sampath Kumar,
18/35, Manimegalai Street, Town Hall,
Coimbatore.
(Now confined at Central Prison, Coimbatore)

..Petitioner(s)

Vs

State by the Inspector of Police,
All Women Police Station (west),
Coimbatore City
(Crime No.07/2019)

..Respondent(s)

Prayer: This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023, to suspend the sentence imposed by the learned Sessions Judge, Special Court for exclusive trial of cases under POSCO Act, Coimbatore in Special SC.No.41 of 2020 order dated 30.07.2021 and enlarge the petitioner on bail pending disposal of the said Criminal Appeal No.228 of 2024 on the file of this Court

For Petitioner(s): Mr.V.Parthiban

For Respondent(s): Mr.S.Balaji
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the



conviction and sentence passed by the learned Sessions Judge, Special Court for exclusive trial of cases under POSCO Act, Coimbatore, in Spl.S.C.No.41 of 2020 dated 30.07.2021 pending disposal of the above criminal appeal.

2. The petitioner/Accused in Spl.S.C.No.41 of 2020 was convicted and sentenced by the Trial Court by judgment dated 30.07.2021 as follows:

under Section	Sentence imposed
5(m) and 5(n) r/w 6 of POCSO Act, 2012	To undergo RI for 10 years and to pay a fine of Rs.10,000/-, (i.d) RI for 2 years.
506(ii) IPC	To undergo RI for 3 years and to pay a fine of Rs.10,000/-, (i.d) RI for 1 year.
Sentences shall run concurrently.	

3. Aggrieved by the same, the petitioner filed Crl.A.No.228 of 2024 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The case of the prosecution is that the petitioner is known to the victim and had committed the penetrative sexual assault on the victim girl aged 6 years and born on 10.12.2012 after taking her to his house by penetrating his private part in the private part of the victim and thus the petitioner committed the aforesaid offence.



5. The learned counsel for the petitioner would submit that the petitioner is in custody since 30.07.2021 and has completed nearly 4½ years of the sentence as against the total sentence of 10 years imposed on him; that the petitioner has raised several arguable points in the appeal; that the doctor (P.W.18), who examined the victim on the date of occurrence, specifically observed that there was no evidence of penetrative sexual assault and there were no injuries in the private parts of the victim girl; and therefore prayed for suspension of sentence.

6. The learned Government Advocate for the respondent would submit that the victim girl has been consistent in her version that there is no reason to disbelieve her evidence; and that no ground has been made out for suspension of sentence.

7. It is seen that the petitioner has been in custody since 30.07.2021. The Doctor (P.W.18) who examined the victim had opined that there were no external injuries on the victim girl and she was not subjected to any penetrative sexual assault.

8. Considering the above facts and since the appeal is not likely to be taken up in the near future and the petitioner has served almost half of the



sentence imposed on him, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

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9. 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:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for exclusive trial of cases under POSCO Act, Coimbatore;
- (ii) 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
- (iii) 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.

25-02-2026

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SUNDER MOHAN, J.

MAC

To

1. The Special Court for exclusive trial of cases under POSCO Act, Coimbatore
2. The Inspector Of Police,
All Women Police Station (west),
Coimbatore City
3. The Superintendent of Prison,
Central Prison, Coimbatore.

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