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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.19207 of 2026
in
Crl.A.No.1232 of 2026

Moorthy
S/o.Subramani,
No.607, Throwpathiamman Koil Street,
Perunkolathur Village,
Thiruthani Taluk,
Ranipet District.

...Petitioner/Appellant/
A2

Vs

1. State Rep by
   The Deputy Superintendent of Police,
   Arakonam Police Station,
   Arakonam, Ranipet District.
   Crime No.20/2021.

2. The Inspector of Police,
   AWPS, Arakkonam,
   Ranipet District.

3. Priya
   W/o.Anesan,
   Kootroad,
   Perunkolathur Village and Post,
   Arakkonam Taluk,
   Ranipet District.

...Respondents

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Prayer : Criminal Miscellaneous Petition filed under Section 14(A) of SC and ST Act, to suspend the sentence made in Judgment in Spl. Sessions case No.6/2024 passed by the Learned Principal District and Session Judge at Ranipet District and enlarge him on bail pending disposal of Criminal appeal.

For Petitioner: Mr.T.Arul

For Respondent: Ms.Sharada Vivek
Additional Public Prosecutor,
for R1 and R2

ORDER

The Criminal Appeal challenges the Judgment passed in Spl.S.C.No.6 of 2024 on the file of the learned Principal District and Session Judge at Ranipet District, holding the petitioner/A2 guilty of the offence under Sections 5(l), 5(j)(ii), 5(g) r/w 6 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as "***the POCSO Act")***, sentencing him to undergo twenty years RI and to pay a fine of Rs.10,000/- i/d to undergo one year RI.

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2. The case of the prosecution is that on 29.12.2021, while the *de-facto* complainant and her husband had gone to Tirupati to visit their elder son, leaving their daughter alone in their house, the victim girl at about 5.00 p.m. went to a nearby sugarcane field to attend nature's call; that the petitioner herein, with two other accused, assaulted and committed penetrative sexual assault on her; and that when the victim raised alarm, they attacked her and caused injuries and thus committed the aforesaid offence.

3. On the complaint given by the *de-facto* complainant, after her return from the temple, a case was registered in Crime No. 20 of 2021 against the petitioner and one Boopalan. Thereafter, during the investigation, it came to light that A1 was also involved in the offence of penetrative sexual assault. The Trial Court found that the petitioner/A2 and A1 are guilty of the offence of penetrative sexual assault.

4 (i). The learned counsel for the petitioner/A2 would submit that the *de-facto* complainant had given a subsequent complaint against few other persons and a case was registered in Crime No.7 of 2023; that the

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FIR was marked as Ex.C1 before the Trial Court and therefore, this raises a doubt with regard to the case of the prosecution; that the evidence adduced on the side of the prosecution did not support the version of the victim and the *de-facto* complainant; and that the DNA test report did not point out to the guilt of the petitioner/A2.

(ii) The learned counsel for the petitioner/A2 would further submit that the sentence imposed on A1 who was accused of similar overt acts, was suspended by this Court in Crl.M.P.No.2310 of 2026 dated 21.04.2026; and that the petitioner is in custody from 07.02.2025.

5. The learned Additional Public Prosecutor, for the respondents 1 and 2, on instruction, confirmed that the sentence imposed on A1 was suspended by the aforesaid order.

6. There is considerable force in the submissions of the learned counsel for the petitioner/A2. The sentence imposed on the similarly placed co-accused was suspended by this Court *vide* order dated

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21.04.2026 in Crl.M.P.No.2310 of 2026. Hence, the petitioner has made out a *prima facie* case for suspension of sentence. The petitioner is in custody from 07.02.2025. 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 Principal District and Session Judge, Ranipet District;

(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

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(c).The petitioner/A2 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

Note: Issue order copy today.

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To

1. The Deptuy Superintendent of Police,
   Arakonam Police Station,
   Arakonam.

2. The Principal District and Session Judge,
   Ranipet District.

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

4. The Inspector of Police,
   AWPS, Arakkonam,
   Ranipet District.

5. The Public Prosecutor,
   High Court of Madras.

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SUNDER MOHAN, J.

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