



Crl.M.P. No. 2090 of 2026
in
Crl.A. No. 142 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P. No. 2090 of 2026

in

Crl.A. No. 142 of 2026

Akbar

..Petitioner

Vs.

The State
rep. By the Inspector of Police,
Gobichettipalayam All Women
Police Station,
Erode District.
(Crime No. 17 of 2022).

..Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 430(1) of
BNSS to suspend the sentence imposed on the petitioner/accused in Spl.S.C.
No. 114 of 2022 by judgment dated 26.04.2023 by the learned Sessions
Judge, Magalir Neethi Mandram (FTMC), Erode and enlarge the
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petitioner/accused on bail pending disposal of the appeal.

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For Petitioner :: Mr. R. Chakkaravarthy

For Respondent :: Mr.S. Balaji,
Govt. Advocate (Crl.Side)

O R D E R

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 26.04.2023 passed in Spl.S.C.No.114/2022 by the learned Sessions Judge, Magalir Neethi Mandram (FTMC), Erode, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/accused in Spl.S.C.No.114/2022 was convicted by the Trial Court by judgment dated 26.04.2023 for the offence under Sections 9 (m) 9(l) punishable under Section 10 of POCSO Act and sentenced to undergo rigorous imprisonment for five years and to pay a fine of Rs.3,000/-, in default, to undergo simple imprisonment for two months. Aggrieved by the same, he filed Crl.A.No.142 of 2026 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.



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3. The case of the prosecution is that the petitioner is a neighbour of the victim child aged about 7 years; that the petitioner, under the pretext of giving a chocolate, had touched the private part of the victim child and also made the victim child to touch his private part and thus committed the aforesaid offences.

4. The learned counsel for the petitioner would submit that the petitioner is in custody from 26.04.2023; that he has served more than half of the period of sentence imposed; that the petitioner has raised substantial grounds in the appeal and therefore, prayed for suspension of sentence.

5. Learned Government Advocate (Crl.Side) would fairly submit that the petitioner is in custody from 26.04.2023 and that the petitioner has been sentenced to undergo 5 years rigorous imprisonment.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent.

7. Considering the fact that the petitioner has served more than half of the period of sentence of imprisonment imposed on him; that

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substantial grounds have been raised in the appeal and since the appeal is not likely to be taken up in the near future, this Court, 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:

- (i)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, Magalir Neethimandram (FTMC), Erode;
- (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



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Court on any other day in lieu of the date of his absence, as
directed by the Trial Court.

11.02.2026

nv

To

1. The Sessions Judge,
Magalir Neethimandram (FTMC),
Erode.
2. The Superintendent, Central Prison,
Coimbatore.
3. The Inspector of Police,
Gobichettipalayam All Women
Police Station,
Erode District.
4. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN,J.

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