Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.18986 of 2026 of Crl.A.No.1219 of 2026

Ayyappan

..Petitioner(s)

Vs

The State rep by the Inspector of Police
All women Police Station, Bhavani,
Erode District. Crime No.65/2024.

..Respondent(s)

Prayer: Petition filed under Section 430 of BNSS, to suspend the sentence imposed in the Judgement dated 28.08.2026 made in Spl.S.C.No.37/2025 on the file of the Learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Erode and release the petitioners on bail pending Criminal Appeal.

For Petitioner(s): Mr.Ali Hassan Kahn
for Mr.S.Lakshmipathy

For Respondent(s): Ms.Sharada Vivek
Additional Public Prosecutor
assisted by Mr.M.Arun Raj

ORDER

The appeal challenges the judgment passed in Spl.S.C.No.37 of 2025 dated 28.08.2026 by the Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court), Erode, holding the petitioner guilty of offences under Sections 7 r/w 8 of the Protection of Children from Sexual Offence Act, 2012[1], sentencing the petitioner to undergo five years rigorous imprisonment and to pay fine of Rs.10,000/-.

[1] *For brevity, hereinafter referred as "POCSO Act".*

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2. The case of the prosecution is that the petitioner, who was working as a Priest, had misbehaved with the victim girl who came to the Temple on 04.10.2024 at 10:00 AM; that he asked the victim girl to pluck flowers and after offering the flowers plucked by the child, the petitioner had inappropriately touched the thighs of the victim, groped her breast and inserted his finger in her private part. A case was registered under Sections 3 r/w 4 of the POCSO Act and upon investigation, final report was filed for the same offence. The Trial Court, after considering the evidence on record, held that there is no evidence to prove penetration to attract the offence under Section 4 of the POCSO Act, but held the petitioner guilty of the offence under Sections 7 r/w 8 of the POCSO Act.

3. *Mr.Ali Hassan Kahn*, learned counsel for the petitioner would submit that there are several contradictions in the evidence of the victim and the other evidence adduced on the side of the prosecution and that the victim's evidence does not inspire confidence. He would also submit that the Medical Certificate does not corroborate the evidence of the victim.

4. Heard *Ms.Sharada Vivek*, learned Additional Public Prosecutor for the respondent and perused the counter affidavit filed by the respondent.

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5. The petitioner is in custody from 28.08.2026. The petitioner has been sentenced for a fixed sentence of five years rigorous imprisonment. The petitioner has raised several arguable points in the above appeal, which is not likely to be taken up in the near future.

6. Considering the above facts, this Court is inclined to grant the relief of suspension of sentence to the petitioner. 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, Magalir Neethimandram (Fast Track Mahila Court), Erode;

(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 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.

28-10-2026

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Note: Issue order copy on 28.10.2026.

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To:

1. The Inspector of Police
   All Women Police Station, Bhavani,
   Erode District. Crime No.65/2024.

2. The Sessions Judge,
   Magalir Neethimandram (Fast Track Mahila Court),
   Erode.

3. The Superintendent of Prison
   Central Prison, Coimbatore.

4. The Public Prosecutor,
   Madras High Court, Chennai.

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SUNDER MOHAN, J.

(*drm*)

Crl.M.P.No.18986 of 2026 of Crl.A.No.1219 of 2026

28-10-2026

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