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Crl.M.P.No.22883 of 2025
in Crl.A.No.999 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.22883 of 2025
in Crl.A.No.999 of 2025

1.Dinesh Rooban

2.Sathyarani

... Petitioners /Appellants

Vs.

State by Inspector of Police

Shevapet Police Station,

Salem City,

(Crime No.467 of 2019)

... Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430 (1) of BNSS and Section 389(1) of Cr.P.C., praying to suspend the sentence passed against the petitioners/appellants in Spl.S.C.No.6 of 2020 on the file of the Sessions Judge, Principal POCSO Court, Salem vide in Judgment dated 22.04.2025 and enlarge the petitioners on bail pending disposal of the above appeal in this Hon'ble Court.

For Petitioners : Mr.R.Rajan

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



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		Rs.1000/-, in default to undergo rigorous imprisonment for one year.
A2	326 r/w 34 IPC	To undergo rigorous imprisonment for seven years and to pay a fine of Rs.1,000/-, in default to undergo rigorous imprisonment for one year.
	506(ii) of IPC	To undergo rigorous imprisonment for five years
The sentences were ordered to run concurrently for both the petitioners		

Aggrieved by the same, the petitioners have filed Crl.A.No.999 of 2025 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

3.(i) The gist of the prosecution case is that the first petitioner and the second petitioner had an illicit relationship; that the second petitioner had matrimonial differences with her husband; that the first petitioner had committed sexual assault on the victim girl (aged 16 years), born to the second petitioner; and that the first petitioner had assaulted the victim girl and caused grievous hurt, since the victim girl objected to the said illicit relationship.

(ii). The first petitioner was charged for the offences under Sections 326, 506(ii), 354 IPC and Sections 7 r/w 8 of the POCSO Act and Section 3(2)(va) of SC/ST of (Prevention of Atrocities) Amendment Act 2015 and the second



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petitioner was charged for the offences under Sections 326 r/w 34, 506(ii) IPC and Section 16 r/w 17 of the POCSO Act, 2012 as against the victim girl. The trial Court acquitted the first petitioner of the offences under Section 7 r/w 8 of the POCSO Act and Section 3(2)(va) of the SC/ST(Prevention of Atrocities) Amendment Act, 2015 and acquitted the second petitioner of the offences under Section 16 r/w 17 of the POCSO Act, 2012.

4. The learned counsel for the petitioners would submit that since the witnesses have been disbelieved insofar as the other offences are concerned, the trial Court ought not to have convicted the petitioners even with regard to the offences under Sections 326, 326 r/w 34, 506(ii) and 354 IPC; that the petitioners have raised substantial grounds in the appeal, which requires consideration; and that the first petitioner was in custody from 28.12.2019 to 03.10.2022 and again from 22.04.2025 till date and the second petitioner was in custody from 05.10.2019 to 29.02.2020 and from 22.04.2025 till date. Hence, he prayed for suspension of sentence imposed on the petitioners.

5.The learned Government Advocate (Crl. Side) submits that the first application seeking suspension of sentence was dismissed on 04.08.2025.



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6.The learned counsel for the petitioners would submit that certain points were not brought to the notice of the Court, when the earlier petition was considered by this Court.

7. It is seen that the victim girl was disbelieved by the trial Court insofar as the offences under the POCSO Act and SC/ST (POA) Act. The question in the appeal is whether a portion of the victim's evidence can be believed. Further, the petitioners are in custody as stated above and the appeal is not likely to be taken up in the near future.

8. Considering the above facts and since the petitioners have raised substantial grounds in the above appeal, this Court is inclined to grant the relief of suspension of sentence to the petitioners.

9. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioners is suspended till the disposal of the above criminal appeal and the petitioners are ordered to be released on bail on the following conditions:

- (i)The petitioners shall each execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the



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satisfaction of the learned Sessions Judge, Principal POCSO
Court, Salem;

(ii)The petitioners 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 petitioners 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 they are not able to appear before the Trial
Court on any day, they 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 their absence,
as directed by the Trial Court.

19.01.2026

Tsg/ars

Note: Issue order copy on 21.01.2026



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To
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- 1.The Sessions Judge,
Principal POCSO Court,
Salem.
- 2.The Superintendent,
Central Prison, Salem.
- 3.The Inspector of Police,
Shevapet Police Station,
Salem City.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

Tsg/ars

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