



Crl.M.P.No.1554 of 2026
in Crl.A.No.96 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.1554 of 2026
in Crl.A.No.96 of 2026

Sathikumar

... Petitioner /Appellant

Vs.

State Represented by
The Inspector of Police,
Cheyyar All Women Police Station,
Thiruvannamalai.

... Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430 of BNSS praying to suspend the order of conviction order passed by the learned Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvannamalai in Spl.SC.No.99/2023, dated 03.07.2025, and enlarge the Appellant/Accused on bail, pending disposal of the above Criminal Appeal.

For Petitioner : Mr.B.Balavijayan

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



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 03.07.2025 passed in Spl.S.C.No.99 of 2023 by the learned Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/accused in Spl.S.C.No.99 of 2023 was convicted by the Trial Court by judgment dated 03.07.2025, for the offences under Sections 366, 354A(1), 354B of IPC and Section 9(m) r/w 10 of POCSO Act 2012 and Sections 323, 506 (ii) of IPC and sentenced to undergo 5 years rigorous imprisonment for the offence under Section 366 of IPC and sentenced to undergo 7 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo six months simple imprisonment for the offences under Sections 354A(1), 354B of IPC and Section 9(m) r/w 10 of POCSO Act 2012 and sentenced to undergo six months rigorous imprisonment for the offence under Section 323 IPC and also sentenced to undergo 2 years rigorous imprisonment for the offence under Section 506(ii) of IPC. Aggrieved by the same, he filed Crl.A.No.96 of 2026 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.



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3.It is the case of the prosecution that the petitioner and the victim belong to the same village; that the petitioner, aged about 19 years, had hugged and kissed the victim girl and thereafter, removed her dress and attempted to commit penetrative sexual assault; and thus, the petitioner committed the aforesaid offences.

4. The learned counsel for the petitioner would submit that the allegations are false; that the impugned compliant was lodged because the petitioner's sister lodged a complaint against the defacto complainant's brother's son; that the victim has been tutored; that there are several improvements in the versions of the victim at every stage of investigation; that in the accident register Ext.P9 issued by PW12, the doctor has observed that there were no injuries on the private part of the victim and hence, the impugned Judgment is liable to be set aside.

5.Heard, the learned Government Advocate(Crl. Side) and perused the counter filed by the respondent.



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6. It is seen from the list of witnesses that independent witnesses, namely PW5 to PW9 turned hostile. The prosecution case therefore rests on the sole testimony of the victim girl. It is seen from the evidence of PW12, the doctor who had examined the victim, that the victim had not stated about any attempt to commit penetrative sexual assault. The doctor also found that there were no bite marks or any injury on the victim girl and had made entries in Ext.P9, accident register. The petitioner is in custody from 03.07.2025.

7. Considering the above facts, the fact that a fixed sentence of imprisonment has been imposed on the petitioner and since the petitioner has made out a *prima facie* case for suspension of sentence, 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/-, with two sureties, each for a like sum to the satisfaction of the learned



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Sessions Special Court for Exclusive Trial of Cases under
POCSO Act, Tiruvannamalai;

(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.

16.02.2026

Tsg

Note: Issue order copy on 17.02.2026

To

- 1.The Special Court for Exclusive Trial of Cases
under POCSO Act, Thiruvannamalai
- 2.The Superintendent,
Central Prison, Vellore.



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SUNDER MOHAN, J.

Tsg

3.The Inspector of Police,
Cheyyar All Women Police Station,
Thiruvannamalai.

4.The Public Prosecutor,
High Court, Madras.

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