WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 20722 of 2026
in
Crl.A.No.1353 of 2026

Rathinam
S/o. Natesan,
Panchayat Union Middle School Back Side,
Veppanthattai and Taluk,
Perambalur District.

...Petitioner/Appellant

Vs

The State Rep. by,
The Inspector of Police,
All Women Police Station,
Perambalur.
Crime No.20 of 2025.

...Respondent/
Respondent

Prayer : The Criminal Miscellaneous Petition is filed under Section 430 of BNSS, 2023, to Suspend the Sentence imposed by the Learned Sessions Judge, Mahila Court, Perambalur in Special SC.No.23 of 2025 dated 09.01.2026 and enlarge the petitioner on bail.

For Petitioner(s): Mr.C.Samivel

For Respondent(s): Mr.R. Thirumoorthy,
Additional Public Prosecutor

https://www.mhc.tn.gov.in/judis

WEB COPY

ORDER

The appeal challenges the Judgment passed in Spl.S.C.No.23 of 2025 dated 09.01.2026 by the learned Sessions Judge, Mahhila Court, Perambalur, holding the petitioner/appellant guilty of the offence under Section 7 r/w 8 of the Protection of Children from Sexual Offences Act, 2012, and sentencing him to undergo five years rigorous imprisonment and to pay a fine of Rs.50,000/- in default, to undergo one year simple imprisonment.

2. The case of the prosecution is that the petitioner, on 01.05.2025, while travelling in a bus along with the victim, had inappropriately lifted the victim's top and touched her lower back with sexual intent and thus committed the aforesaid offence.

3. The learned counsel for the petitioner would submit that the allegations are false; that as against the fixed sentence of five years of imprisonment, the petitioner has suffered an imprisonment of almost one year; and that there are arguable points in the above appeal, which requires consideration and prayed for suspension of sentence.

https://www.mhc.tn.gov.in/judis

WEB COPY

4.Heard the learned Additional Public Prosecutor, who had filed the counter and would submit that evidence of the victim is corroborated by the evidence of the other passengers, P.W.4 and P.W.5 and prayed for dismissal of the petition.

5. It is seen from the grounds of appeal that the petitioner has raised substantial grounds in the above appeal, which requires consideration. The petitioner is in custody from 09.01.2026, i.e., for almost 11 months, as against the total imprisonment of five years. The appeal is not likely to be taken up in the near future. Considering all the above facts, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

6.Accordingly, this criminal miscellaneous petition stands allowed, and the sentence imposed on the petitioner is suspended till the disposal of the above criminal appeal, 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, Mahila Court, Perambalur;

https://www.mhc.tn.gov.in/judis

WEB COPY

(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

(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.

24-11-2026

Note : Issue order copy today.

dk

https://www.mhc.tn.gov.in/judis

WEB COPY

Copy to:

1. The Sessions Judge,
   Mahila Court,
   Perambalur.

2. The Inspector of Police
   All Women Police Station,
   Perambalur.

3. The Superintendent,
   Central Prison, Trichirappalli.

4. The Public Prosecutor,
   High Court of Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

SUNDER MOHAN, J.

dk

CRL MP No. 20722 of 2026
in
Crl.A.No.1353 of 2026

24-11-2026

https://www.mhc.tn.gov.in/judis