



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL MP No. 623 of 2025

in

CRL A No.65 of 2025

Prakash

..Petitioner(s)

Vs

Inspector Of Police,
W-20, All Women Police Station,
Saidapet, Chennai.
Cr.No.7/2018.

..Respondent(s)

Prayer: Criminal miscellaneous petition filed under Section 430(1) of BNSS, seeking to suspend the sentence imposed on the petitioner accused herein by the judgment dated 28.03.2024 passed by Court of Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, in Special Sessions Case No. 40 of 2020 in Crime No. 7/2018 (W 20, Saidapet AWPS) and enlarge the petitioner / accused on bail, pending disposal of the above Criminal Appeal.

For Petitioner(s): Mr.Boris PM

For Respondent(s): Ms.J.R.Archana, GA(Crl. Side)

**ORDER**

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This criminal miscellaneous petition has been filed by the petitioner seeking suspension of sentence imposed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, in Spl.S.C.No.40 of 2020 , vide judgment dated 28.03.2024.

2. The conviction and sentence imposed against the petitioner, vide impugned judgment are as follows:-

<i>Under Section</i>	<i>Sentence</i>
450 of IPC	to undergo Rigorous Imprisonment for 5 years, with a fine of Rs.5,000/- in default to undergo simple imprisonment for 1 month.
6 of POCSO Act	to undergo Rigorous Imprisonment for 10 years, with a fine of Rs.10,000/- in default to undergo simple imprisonment for 2 months.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and only due to the previous enmity between the petitioner and the family members of the victim girl, a false and exaggerated complaint has been made against the petitioner and though the alleged occurrence is said to



have taken place on 31.08.2018, the FIR came to be registered only on 01.09.2018 at 17.30 hours. However, without considering any of the above said facts, the trial court, vide impugned judgment, convicted and sentenced the petitioner for the abovesaid offences. He further submitted that during the course of investigation, the petitioner was under judicial custody from 03.09.2018 to 26.12.2018 and thereafter, the petitioner has been in prison from the date of judgment ie., 28.03.2024 till date. He also submitted that there are arguable points in the criminal appeal, which is unlikely to be taken up for final hearing in the near future and the petitioner has a fair chance of succeeding in the appeal and hence, the sentence imposed on the petitioner may be suspended and the petitioner / appellant may be enlarged on bail.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent opposed for grant of suspension of sentence stating that the charges against the petitioner are heinous in nature and the trial Court, after taking into consideration the oral and documentary evidence produced by the prosecution, rightly found the petitioner/appellant guilty and convicted and sentenced him, as stated above.



5. Heard the learned counsel on either side and perused the materials on record.

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6. Considering the facts and circumstances of the case and also the submissions made by the learned counsel for the petitioner that the petitioner has been incarcerated for more than two years, which is around 50% of the sentence of imprisonment imposed by the trial court, this Court is inclined to grant the relief of suspension of sentence and bail to the petitioner, till the disposal of the criminal appeal, on certain conditions.

7. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner/appellant is ordered to be released on bail on his executing 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, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, and on further conditions that:-

(i) The sureties shall affix their photographs and left thumb impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Passbooks to ensure their identities.

(ii) The petitioner/ appellant shall appear before the trial Court on the first working day of every English calendar month at 10.30 a.m.,



until further orders 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 355 of BNSS, 2023 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.

8. This criminal miscellaneous petition stands ordered accordingly.

09-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SHA

To

1. Inspector Of Police,
W-20, All Women Police Station,
Saidapet, Chennai.

2. The Sessions Judge,
Special Court for Exclusive Trial of Cases
under POCSO Act, Chennai.

3. The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA, J.

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