Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 20024 of 2026
in CRL A No. 1303 of 2026

Shanmughasundaram

..Petitioner(s)

Vs

The State rep. by
The Inspector of Police
AWPS Thiruthuraipoondi,
Tiruvarur.
Crime No.03/2022.

..Respondent(s)

Prayer: The Criminal Miscellaneous Petition is filed under Section 430 of BNSS, to suspend the substantial sentence of imprisonment awarded to the petitioner/Appellant by the Fast Track Mahila Court in Spl S.C.No.25 of 2022 by order dated 07.09.2026 and enlarge the petitioner/Appellant on bail pending disposal of the above Criminal Appeal.

For Petitioner(s): Mr.Pravin Karthik G
For Respondent(s): Ms. Sharada Vivek.
Additional Public Prosecutor
Asst. by Mr.M.Arul Raj

ORDER

The Criminal Appeal challenges the Judgment passed in Spl.SC.No.25 of 2022 by the learned Fast Track Mahila Court, Tiruvarur holding the petitioner guilty of the offences under Sections 363, 341 and 506(i) IPC and Section 11 r/w 12 of the POCSO Act and sentencing him as below;

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Offence under Section	Sentence
363 IPC	5 years RI and to pay a fine of Rs.2,000/- (id) to undergo 2 months SI
341 IPC	1 month SI and to pay a fine of Rs.500/- (id) to undergo 1 week SI
506(i) IPC	1 year RI and to pay a fine of Rs.500/- (id) to undergo two weeks SI
11(i) r/w 12 of the POCSO Act	3 years RI and to pay a fine of Rs.1,500 (id) one month SI

The sentences were ordered to run concurrently.

2. Aggrieved by the same, the petitioner has preferred Crl.A.No.1303 of 2026 before this Court along with the instant criminal miscellaneous petition.

3.The case of the prosecution is that the petitioner is the victim's neighbour; that on the date of occurrence on 06.03.2022, he took the victim to a banana field near his brother's house and exposed his private part to the victim girl and compelled the victim girl to expose her private part to him; and threatened the victim of dire consequences, if she revealed the same to anyone else.

4.The learned counsel for the petitioner would submit that the allegations are false; that the petitioner is now aged about 67 years and was in custody

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during trial from 07.03.2022 to 07.04.2022 and is in custody from 07.09.2026 and has raised substantial grounds in the above appeal.

5.Heard the learned Additional Public Prosecutor and perused the counter filed by the respondent.

6.It is seen that the petitioner has been sentenced to imprisonment of 5 years for the offence under Section 363 IPC. The petitioner has raised substantial grounds in the above appeal, which requires consideration. The petitioner is aged about 66 years. The appeal is not likely to be taken up in the near future. Considering all the above facts and since a fixed sentence of imprisonment has been imposed on the petitioner, this Court is inclined to suspend the sentence imposed on the petitioner and release him 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 Fast Track Mahila Court, Tiruvarur;
>
> (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

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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.

27-10-2026

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

TSG

Note: Issue order copy on 27.10.2026.

To

1. The Fast Track Mahila Court,
Tiruvarur.

2. The Inspector of Police
AWPS Thiruthuraipoondi,
Tiruvarur.
Crime No.03/2022.

3.The Superintendent,
Trichy Central Prison.

4.The Public Prosecutor,
Madras High Court.

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SUNDER MOHAN, J.

TSG

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