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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-10-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No.20077 of 2026
in
Crl.A.No.1306 of 2026

Ashok Kumar @ Ashokan
S/o. Palpandiya Nadar,
Door No.2/25A, Alamelumangai Avenue,
Vadavalli, Thondamuthur Road,
Coimbatore.

...Petitioner/Appellant/
Accused

Vs

State Represented by,
The Inspector of Police,
All Women Police Station (West),
Coimbatore City,
Crime No.43/2023

...Respondent/
Respondent/Complainant

Prayer : Criminal Miscellaneous Petition filed under Section 430 (1) of BNSS, to suspend the sentence imposed upon the petitioner in Spl. SC No.224/2024, dated 23.09.2025 passed by the Learned Principal Special Court for exclusive trial of cases under POCSO Act, Coimbatore, release the petitioner on bail pending disposal of the above appeal.

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For Petitioner : Mr.A.Balamurugan

For Respondent : Ms.Sharada Vivek
Additional Public Prosecutor

ORDER

The Criminal Appeal challenges the Judgment passed in Spl.SC.No.224 of 2024 on the file of the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore, by holding the petitioner guilty of the offences under Section 342 of the Indian Penal Code, 1860 (hereinafter referred to as ***"the IPC")*** and Section 9(1) r/w 10 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as ***the POCSO Act***) and sentenced him as follows:

Offence under Section	***Sentence imposed***
342 IPC	To undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for further period of one month.
9(l) r/w 10 of the POCSO Act	To undergo rigorous imprisonment for five years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a further period of one year.
The sentences were ordered to run concurrently.	

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2. Aggrieved by the same, the petitioner has preferred Crl.A.No.1306 of 2026 before this Court along with the instant criminal miscellaneous petition.

3. It is the case of the prosecution that on 04.11.2023 at about 5.30 p.m, when the victim girl went to the shop of the accused/petitioner/appellant, the accused called the victim girl to help him; that when the victim girl went inside the shop, he with sexual intent, hugged the victim girl and groped her breast; that thereafter, on 24.12.2023 at about 12:30 p.m., the accused called the victim once again to the shop and stated that the victim girl's nose was beautiful, and attempted to touch the victim girl; and that a complaint was lodged on 25.12.2023.

4. The learned counsel for the petitioner/appellant would submit that the conviction of the Trial Court cannot be sustained; that the allegations against the petitioner/appellant are false; that no complaint, was lodged immediately after the alleged first occurrence on 04.11.2023; and that there was prior enmity between the family of the

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petitioner/appellant and the victim which suggests false prosecution, and prayed for suspension of sentence.

5. Heard the learned Additional Public Prosecutor and perused the counter-affidavit.

6. The petitioner/appellant is in custody from 23.09.2026. The petitioner has been sentenced to a fixed sentence of imprisonment of five years. As rightly pointed out by the learned counsel for the petitioner, there is no explanation for not lodging the complaint for the alleged occurrence on 04.11.2023 immediately. The petitioner has raised substantial grounds in the above appeal, which requires consideration. The appeal is not likely to be taken up in the near future.

7. Considering all the above facts, 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.

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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:

(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, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore;

(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.

30-10-2026

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Note: Issue order copy today.

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To

1. The Sessions Judge,
   Principal Special Court for Exclusive Trial of
   Cases under POCSO Act,
   Coimbatore.

2. The Superintendent of Prison,
   Central Prison, Coimbatore.

3. The Inspector of Police,
   All Women Police Station (West),
   Coimbatore City.

4. The Public Prosecutor,
   High Court of Madras,
   Chennai – 600 104.

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SUNDER MOHAN, J.

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