



CrI.M.P.No.23341 of 2025
in CrI.A.No.1875 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.M.P.No.23341 of 2025
in CrI.A.No.1875 of 2025

Sibi

... Petitioner /Appellant

Vs.

State Rep. By
The Inspector of Police,
Anupparpalayam Police Station,
Tiruppur City.
(Cr.No.430/2022)

... Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430 (1) & (2) of BNSS praying to suspend the sentence imposed on the petitioner/Appellant in Spl.S.C.No.143 of 2022 by the learned Sessions Judge, Magalir Neethimandram, (FTMC), Tiruppur dated 04.08.2023 and enlarge him on bail, pending the disposal of the Criminal Appeal.

For Petitioner : Mr.M.Vijayaragavan

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



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 04.08.2023 passed in Spl.S.C.No.143/2022 by the learned Sessions Judge, Magalir Neethimandram, (FTMC), Tiruppur, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/accused in Spl.S.C.No.143/2022 was convicted by the Trial Court by judgment dated 04.08.2023, for the offence under Sections 5(i) r/w 6 of the POCSO Act and under Section 366 of IPC and sentenced to undergo 20 years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo one year rigorous imprisonment for the offences under Section 5(i) r/w 6 of POCSO Act and sentenced to undergo five years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo further six months rigorous imprisonment for the offence under Section 366 of IPC. Aggrieved by the same, he filed Crl.A.No.1875 of 2025 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.



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3.The gist of the prosecution case is that the petitioner and the victim girl were known to each other; that the victim girl was aged about 14 years at the time of the occurrence; that pursuant to a love affair, the petitioner lured the victim girl, kidnapped her and had sexual intercourse with the victim girl; and thus committed the aforesaid offence.

4.The learned counsel for the petitioner would submit that though the victim was aged about 14 years at the time of occurrence, the relationship was consensual; that her statement before the doctor and her deposition in Court would show that the relationship was consensual and the occurrence took place due to the innocence of two youngsters and mutual attraction towards each other. The learned counsel would further submit that the petitioner is in custody ever since his arrest on 05.07.2022. Hence, he prayed for suspension of sentence imposed on the petitioner.

5.The learned Government Advocate (Crl. Side) confirms that it was a consensual relationship.

6.Heard the learned counsels on either side and perused the materials available on record.



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7. Admittedly, the petitioner was aged about 22 years and the victim was aged 14 years, at the time of occurrence and the relationship between both of them were consensual. The conviction is based on the sole testimony of the victim, who has given contradictory versions at different stages. In any case, it appears that the alleged occurrences even if accepted to be true had taken place due to the innocence of two youngsters and mutual attraction towards each other. Further, the petitioner is in custody from 05.07.2022 and the appeal is not likely to be taken up in the near future.

8. Therefore, considering the above facts and since the petitioner has raised substantial grounds in the above appeal for consideration, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

9. 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 Sessions Judge, Magalir Netthimandram (FTMC), Tiruppur.



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(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.

19.01.2026

Tsg/ars

Note: Issue order copy on 21.01.2026



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SUNDER MOHAN, J.

Tsg/ars

To

- 1.The Sessions Judge,
Magalir Netthimandram (FTMC),
Tiruppur.
- 2.The Superintendent,
Central Prison, Coimbatore.
- 3.The Inspector of Police,
Anupparpalayam Police Station,
Tiruppur City.
- 4.The Public Prosecutor,
High Court, Madras.

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