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CRL MP No.23644 of 2



CrI.A.No.1887 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No.23644 of 2025

in

CrI.A.No.1887 of 2025

Perumal
S/o.Subbramani alias Kottaiyah,
No.87, CS Nagar 5th Street,
Dobikana Pattalam,
Chennai - 600 012.

..Petitioner/Appellant/Accused

Vs

Inspector of Police,
W-16, All Women Police Station,
Pulianthope,
Chennai - 12.
(Cr.No.8/2019).

...Respondent/Respondent/Complainant

Prayer : Criminal Miscellaneous Petition filed under Section 430 (2) of B.N.S.S., to suspend the sentence till the disposal of the above appeal, against the Judgment passed by Learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai on dated 31.10.2023 made in Special S.C.No.1/2021 and enlarge the Petitioner/Appellant/Accused on bail.



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Crl.A.No.1887 of 2025

For Petitioner:

M/s.S.Chrispinraj

For Respondent:

Mr.S.Balaji

Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by Judgment dated 31.10.2023 passed in Spl.S.C.No.1/2021 by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/accused in Spl.S.C.No.1/2021 was convicted by the Trial Court by Judgment dated 31.10.2023, for the offences under Section 6 of the POCSO Act and Section 506(ii) of the Indian Penal Code and sentenced to undergo twenty years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment for the offence under Section 6 of the POCSO Act and sentenced to undergo five years imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment for the offence under Section 506(ii) of IPC and the sentences were ordered to run concurrently. Aggrieved by the same, he filed Crl.A.No.1887 of 2025 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.



3. The case of the prosecution is that the petitioner/accused is the landlord of the premises in which the victim girl's grandmother was a tenant; that the victim girl's mother fought with her husband and brought the victim girl to the grandmother's house; and that the petitioner had committed penetrative sexual assault on the victim girl on several occasions for a period of two months and thus, committed the aforesaid offences.

4. Mr.S.Chrispinraj, the learned counsel for the petitioner/accused would submit that the allegations are false; that even according to the victim's mother examined as P.W.3, she came to her mother's house on 11.08.2019; that after her elder sister came to her mother's house, she found some physical changes in the victim and when questioned, the victim had disclosed the occurrence; that the said evidence is contrary to the prosecution case that the victim was subjected to penetrative sexual assault for a period of two months; that the evidence of the Doctor, P.W.1 would show that no such occurrence took place; that the victim has no external injuries and her hymen was intact; and that considering the above infirmities and the period of the incarceration, the petitioner may be released on bail and the sentences imposed on the petitioner may be suspended.



5. Mr.S.Balaji, the learned Government Advocate (Crl.Side) for the respondent, submitted that the victim has not been discredited by the petitioner; that though there are minor contradictions, they would not render the victim's evidence unreliable; and considering the circumstances, submitted that the impugned Judgment is justified and prayed for dismissal of this criminal miscellaneous petition.

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

7. It is seen from the evidence of the victim/P.W.4 that she had stated that the alleged occurrence took place for a period of two months. However, this is contrary to the evidence of P.W.3, the mother, who would state that they had gone to her mother's house only on 11.08.2019, and the complaint was lodged on 26.08.2019 after her elder sister noted certain changes in the victim girl. It is also seen from the evidence of the doctor that the victim had not sustained any external injuries either in her private part or any other part of the body, and her hymen was intact. The petitioner has been in custody since 31.10.2023.

8. Considering all the above facts and since the appeal is not likely to be taken up in the near future, this Court is inclined to suspend the sentence.



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 Sessions Court, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai;
- (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.

23-01-2026

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Note: Issue order copy on 27.01.2026



Copy to:

1. The Sessions Court, Special Court for Exclusive Trial
of Cases under POCSO Act, Chennai.
2. The Superintendent,
Puzhal Central Prison – I,
Chennai.
3. The Inspector of Police,
W-16, All Women Police Station,
Pulianthope,
Chennai - 12.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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