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Crl.M.P.No.23185 of 2025
in Crl.A.No.1869 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.23185 of 2025
in Crl.A.No.1869 of 2025

Anbu @ Anbazhagan

... Petitioner /Appellant

Vs.

1.The State,
Rep. By the Inspector of Police,
All Women Police Station,
Tiruvallur.

2.Gunapathy,
No.53, Bajanai Kovil Street,
Thirumazhisai, Poonamalle Taluk,
Thiruvallur District.

... Respondent/Complainant

3.XXXXX,
Poonamalle Taluk,
Thiruvallur District.

... Respondent / Victim

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430 (1) of BNSS praying to suspend the sentence imposed upon the petitioner by the learned Special Court for exclusive trial of cases under POCSO Act, at Tiruvallur in Special S.C.No.18 of 2017 order dated 14.10.2025.



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imprisonment for the offence under Section 375(a) r/w 376 (i) of IPC and also sentenced to undergo 10 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo further 3 years simple imprisonment for the offence under Section 450 of IPC and also sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.1000/-, in default, to undergo further three months simple imprisonment. Aggrieved by the same, he filed Crl.A.No.1869 of 2025 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

3.The gist of the allegation is that the petitioner and the victim girl were known to each other and on the promise of marriage and in the guise of love affair, the petitioner forcibly had sexual intercourse with the victim girl, who was aged about 17 years and 4 months at the time of occurrence; that the victim girl fearing chiding by relatives had not complained about the occurrence; that six months later, she became pregnant and thereafter, the child in her womb died; and that a complaint was lodged at the instance of the victim's grandmother.

4.The learned counsel for the petitioner would submit that the petitioner was aged about 21 years at the time of occurrence; that the appellant and the



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victim were known to each other; that the evidence suggests that the appellant and victim had a love affair; that the victim had not complained about the alleged occurrence for nearly six months, even though it is her case that the appellant had sexual intercourse with her on several occasions; that therefore, the allegation of forcible sexual intercourse with the victim girl is an afterthought and a tutored version and hence, prayed for suspension of sentence imposed on the petitioner.

5.The learned Government Advocate (CrI. Side), per contra, opposed the grant of suspension of sentence stating that the victim had deposed that the appellant had forcible sexual intercourse with her and therefore, the impugned Judgment is not liable to be set aside.

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

7.Admittedly, the petitioner was aged 21 years and the victim girl was aged 17 years and 4 months at the time of occurrence. The victim had not complained about the occurrence for nearly six months, even though it is her case that the petitioner had sexual intercourse with her on several occasions.



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The evidence adduced on the side of the prosecution *prima facie* suggests that the petitioner and the victim girl had a consensual relationship. The allegation even if accepted to be true, would show that the occurrence took place due to the innocence of two youngsters and mutual attraction towards each other. Hence, considering that the petitioner has raised substantial grounds, the fact that the appeal is not likely to be taken up in the near future and all the above referred facts, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

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:

- (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 Special Court for exclusive trial of cases under POCSO Act, Tiruvallur;
- (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



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(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.

07.01.2026

Tsg

Note: Issue order copy on 09.01.2026

To

- 1.The Special Court for exclusive trial
of cases under POCSO Act, Tiruvallur.
- 2.The Superintendent,
Central Prison, Puzhal.
- 3.The Inspector of Police,
All Women Police Station,
Tiruvallur,
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

Tsg

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