



Crl.M.P.No.523 of 2026
in Crl.A.No.714 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.523 of 2026

in

Crl.A.No.714 of 2024

Senthilkumar

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
Gopichettipalayam Police Station,
Erode District.
(Crime No.01 of 2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430(1) of BNSS, praying to suspend the sentence in judgment of conviction dated 14.10.2022 passed in Spl.S.C.No.20 of 2021 on the file of the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Erode, and enlarge the petitioner on bail, pending disposal of the above criminal appeal.

For Petitioner : Mr.S.Silambu Selvan

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



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 14.10.2022 passed in Spl.S.C.No.20 of 2021 by the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Erode, pending disposal of the above criminal appeal, and to enlarge the petitioner on bail.

2. The petitioner/Accused in Spl.S.C.No.20 of 2021 was convicted by the Trial Court by judgment dated 14.10.2022, for the following offence:

Conviction under Sections	Sentence awarded
5(l), 5(m) punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012	To undergo rigorous imprisonment for twenty years and to pay a fine of Rs.5,000/- and in default to undergo simple imprisonment for three months.

3. Aggrieved by the same, the petitioner has preferred Crl.A.No.714 of 2024 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

4. The case of the prosecution is that on 27.02.2020 and on several other occasions, the petitioner committed penetrative sexual assault on the victim



girl, aged about 7 years, and thereby committed the aforesaid offences.

5. The learned counsel for the petitioner would submit that there exists a property dispute between PW1, the mother of the victim, and the petitioner; that the alleged occurrence is said to have taken place on 27.02.2020; that the victim was examined on the very next day; that the medical evidence does not disclose any external injuries; and that the complaint is an afterthought. He would further submit that the petitioner has been in custody from 14.10.2022 and was in custody during the course of investigation.

6. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent would submit that the conviction is based on the cogent and testimony of the victim and that no case has been made out for suspension of sentence.

7. It is seen that the victim was medically examined on 28.02.2020. The Doctor (PW8), in her evidence, has stated that no external injuries were noted at the time of examination. The conviction is primarily based on the testimony of the victim. This Court has to therefore examine whether the conviction can



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be sustained on the basis of the sole testimony of the victim in the light of the medical evidence.

8. Considering the above facts and the period of incarceration undergone by the petitioner from 14.10.2022, and since the appeal is not likely to be taken up for hearing in the near future, this Court is inclined to suspend the sentence imposed on the petitioner, pending disposal of the Criminal Appeal.

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/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Erode;
- (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.

17.02.2026

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To

- 1.The Sessions Judge,
Magalir Neethi Mandram (Fast Track Mahila Court), Erode.
- 2.The Inspector of Police,
Gopichettipalayam Police Station,
Erode District.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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