



Crl.M.P.No.24106 of 2025
in Crl.A.No.1920 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.24106 of 2025

in

Crl.A.No.1920 of 2025

Balaji

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
Pallikaranai Police Station,
Chennai.
(Crime No.1336 of 2022)

... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430(1) of BNSS, praying to suspend the sentence imposed on the petitioner in Spl.S.C.No.45 of 2024 on the file of the Court of Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu, judgment dated 25.07.2025 and enlarge the petitioner on bail, pending disposal of the above criminal appeal.

For Petitioner : Mr.G.Mohanakrishnan

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



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Crl.M.P.No.24106 of 2025
in Crl.A.No.1920 of 2025

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 25.07.2025 passed in Spl.S.C.No.45 of 2024 by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu, pending disposal of the above criminal appeal, and to enlarge the petitioner on bail.

2. The petitioner/Accused in Spl.S.C.No.45 of 2024 was convicted by the Trial Court by judgment dated 25.07.2025, for the following offence:

Conviction under Sections	Sentence awarded
366 of IPC	To undergo imprisonment for ten years and to pay a fine of Rs.1,000/- and in default to undergo simple imprisonment for one year.
6(1) of POCSO Amendment Act 2019	To undergo rigorous imprisonment for twenty years and to pay a fine of Rs.1,000/- and in default to undergo simple imprisonment for one year.
506(ii) of IPC	To undergo imprisonment for two years and to pay a fine of Rs.1,000/- and in default to undergo simple imprisonment for three months.

3. Aggrieved by the same, the petitioner has preferred Crl.A.No.1920 of 2025 before this Court along with the instant criminal miscellaneous petition



Crl.M.P.No.24106 of 2025
in Crl.A.No.1920 of 2025

seeking suspension of sentence and bail.

4. The case of the prosecution is that the petitioner is the landlord of the premises in which the victim girl, aged about 7 years, and her mother were residing as tenants; that the petitioner committed penetrative sexual assault on the victim girl during the period between October 2022 and December 2022; and that a complaint came to be lodged on 14.12.2022, and hence the petitioner committed the aforesaid offences.

5. The learned counsel for the petitioner would submit that though the prosecution alleges that the occurrence took place over a period of two months, the victim, in her deposition, has spoken only about the occurrence dated 05.12.2022; that the victim has stated that she informed her mother (PW1) about the occurrence; that the complaint was lodged on 14.12.2022; and that the medical evidence does not support the prosecution case. He would further submit that there is a landlord-tenant dispute between the petitioner and PW1 regarding payment of rent.

6. Heard the learned Government Advocate (Crl. Side) appearing for the respondent and perused the counter affidavit available on record.



Crl.M.P.No.24106 of 2025
in Crl.A.No.1920 of 2025

7. Though it is the case of the prosecution that the occurrence took place for a period of two months, the victim's deposition does not support the prosecution case. The victim would speak only about one occurrence, which is said to have taken place on 05.12.2022. She would also state that there were blood stains in her undergarment and that she informed her mother about the incident on the same day. However, the undergarment has not been seized. Further, there is no explanation on the part of the prosecution for the delay in lodging the complaint. PW1, the mother, would state that the victim informed her about the occurrence one week after the occurrence, and she took two days thereafter to lodge the complaint which is contrary to the victim's evidence. The evidence of the Doctor, PW7, would show that the victim's hymen was intact and that there were no external injuries on her genital parts. It is also seen that there was a landlord-tenant dispute between the petitioner and PW1, the mother, regarding payment of rent.

8. Considering all the above facts, and the period of incarceration undergone by the petitioner, and since the petitioner has made out a *prima facie* case, this Court is inclined to grant the relief of suspension of sentence to the petitioner.



Crl.M.P.No.24106 of 2025
in Crl.A.No.1920 of 2025

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

17.02.2026

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Crl.M.P.No.24106 of 2025
in Crl.A.No.1920 of 2025

SUNDER MOHAN, J.

cda

To

- 1.The Sessions Judge, Special Court for Exclusive Trial of Cases
under POCSO Act, Chengalpattu.
- 2.The Inspector of Police,
Pallikaranai Police Station,
Chennai.
- 3.The Superintendent,
Central Puzhal Prison, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

**Crl.M.P.No.24106 of 2025
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17.02.2026