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CrI.M.P. No. 396 of 2026
in
CrI.A. No. 28 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2026

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.M.P. No. 396 of 2026

in

CrI.A. No. 28 of 2026

Sathish,
S/o. Cithan,
Appan kadai Santhu,
Sharathi Nagar,
Veterinary Hospital,
Kalingarayanpalayam,
Bhavani Taluk, Erode District.

..Petitioner

Vs.

The State rep. By
The Inspector of Police,
Bhavani All Women Police Station,
Erode District,
Crime No. 2 of 2020.

..Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 430(2) of
BNSS to suspend the sentence imposed on the petitioner by judgment dated
27.06.2023 in Spl.S.C. No. 44 of 2020 by the learned Sessions Judge,



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Magalir Neethimandram (Fast Track Mahila Court), Erode and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner	::	Mr.K.H.M. Afzal
For Respondent	::	Mr.S. Rajakumar, Addl. Public Prosecutor

O R D E R

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 27.06.2023 passed in Spl.S.C.No.44 of 2020 by the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Erode, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/accused in Spl.S.C.No.44 of 2020 was convicted by the Trial Court by judgment dated 27.06.2023 for the offences under Section 10 of POCSO Act, 2012 (2 counts) and Section 8 of the said Act and sentenced to undergo rigorous imprisonment for 5 years for each count, to pay a fine of Rs.3000/- for each count and in default, to undergo simple imprisonment for 2 months in respect of the offence under Section 10 of POCSO Act (2counts) and for the offence under Section 8 of the said Act,



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the petitioner was sentenced to undergo imprisonment for 3 years together with a fine of Rs.1000/- carrying a default sentence of simple imprisonment for 2 months. Aggrieved by the same, he filed Crl.A.No.28 of 2026 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 committed sexual assault of his step-daughters and a friend of one of his step-daughters by inappropriately touching the victims.

4. Learned counsel for the petitioner would submit that the petitioner was sentenced to 5 years imprisonment; that the petitioner has served more than half of the period of sentence imposed and that he is in custody from 27.06.2023.

5. Learned Additional Public Prosecutor would confirm the fact that the petitioner is in custody for 31 months from the date of judgment.

6. Considering the fact that the petitioner has raised substantial grounds in the above appeal, which requires consideration, that



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the petitioner is in custody for more than half of the period of sentence imposed and since the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

7. 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 Neethimandram (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
- (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



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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.

29.01.2026

Neutral Citation: yes/no

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To

1. The Sessions Judge,
Magalir Neethimandram,
(Fast Track Mahila Court),
Erode.
2. The Superintendent,
Central Prison, Coimbatore.
3. The Inspector of Police,
Bhavani All Women Police Station,
Erode District,
4. The Public Prosecutor, High Court,
Madras.



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SUNDER MOHAN,J.

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