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CRL MP No. 24658 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

**CRL MP No. 24658 of 2025
in CRL A No.1948 of 2025**

1. Manikandan

Petitioner(s)

Vs

1. The State rep by The Inspector of Police
All Women Police Station (W-22), Mylapore, Chennai.
Crime No.06/2020.

Respondent(s)

PRAYER

To suspend the operation and execution of sentence imposed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai dated 25.07.2025 made in Spl.S.C.No.88/2020 till the disposal of the Appeal and may be enlarged the above Petitioner/Appellant on bail till the disposal of pending Appeal.

For Petitioner(s): Ms.L.Meenakshi For
M/s.M.Dinesh

For Respondent(s): 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 25.07.2025 passed in Spl.S.C.No.88/2020 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.88/2022 was convicted by the Trial Court by judgment dated 25.07.2025, for the offence under Section 4 POCSO Act and sentenced to undergo ten years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for three months, and for the offence under Section 342 of IPC and sentenced to undergo six months simple imprisonment. Aggrieved by the same, he filed Crl.A.No.1948 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 victim girl was known to the petitioner and was related to him; that she was employed in his shop; that on 13.05.2020, during the Covid-19 lockdown, when the doors of the shop were half-shut, the petitioner committed sexual assault by removing the clothes of the victim and touching her breast and back inappropriately; that on 30.05.2020, the



petitioner once again came to the house of the victim when her family members were not at home, attempted to kiss her, and threatened to circulate her obscene video if she did not accede to his request; and that the victim informed her mother, pursuant to which a complaint was lodged on 08.06.2020.

4. The learned counsel for the petitioner would submit that the allegations are false; that, in any event, the allegations would not attract the offence of penetrative sexual assault; that the medical evidence does not corroborate the version of the victim, as the Doctor did not find any external injuries on the victim; that after the alleged first incident on 13.05.2020, there were WhatsApp chats between the petitioner and the victim; that there are several inconsistencies in the evidence; and that the impugned judgment is liable to be set aside and the sentence suspended.

5. The learned Government Advocate (Criminal Side), appearing for the respondent, would submit that the evidence of the victim is cogent and convincing; that the victim had informed her mother about the occurrence, who in turn lodged the complaint; that the victim, in her Section 164 Cr.P.C Statement, as well as in her deposition before the Court, has made consistent statements; and therefore, the impugned judgment does not warrant interference.



6. The alleged occurrences are stated to have taken place on two different dates. It is seen from the record that after the alleged first incident on 13.05.2020, there were WhatsApp communications between the petitioner and the victim, which *prima facie* raises a doubt with regard to the case of the prosecution. As regards the alleged second incident on 30.05.2020, wherein the petitioner is stated to have threatened the victim by claiming that her obscene video would be circulated, though the mobile phone of the petitioner was seized, no material connected to the alleged incident appears to have been recovered. The complaint was also lodged after a delay of eight days from the date of the alleged occurrence.

7. Considering the fact that there are substantial grounds raised in the above appeal, which requires consideration; that the petitioner has made out a *prima facie* case for suspension of sentence 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.

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 Sessions Judge, Special Court 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 week 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.

04-02-2026

skr

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1. Learned Sessions Judge, Special Court
Exclusive Trial of Cases under POCSO Act, Chennai.
2. The Inspector of Police, All Women Police Station (W-22), Mylapore, Chennai.
3. The Superintendent, Central Prison, Puzhal.
4. The Public Prosecutor, Madras High Court, Chennai.



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SUNDER MOHAN J.
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