



Crl.M.P. No. 24078 of 2025
in
Crl.A. No. 1919 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.M.P. No. 24078 of 2025

in

Crl.A. No. 1919 of 2025

M. Arokiyadoss
S/o. Mariyadoss,
No.19, Seetha Nagar,
Dharapuram,
Tiruppur District.

..Petitioner

Vs.

The State by
The Inspector of Police,
Dharapuram All Women Police Station,
Tiruppur District.
(Cr. No. 12 of 2022)

..Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1)
Cr.P.C. to suspend the sentence imposed on the petitioner by judgment dated
31.10.2025 passed in Special Sessions Case No. 94 of 2022 by the learned



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Sessions Judge, Mahalir Needhimandram, Fast Track Mahila Court,
Tiruppur and enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner	::	Mr.T. Saikrishnan
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 31.10.2025 passed in Spl.S.C.No.94 of 2022 by the learned Sessions Judge, Mahalir Needhimandram, Fast Track Mahila Court, Tiruppur, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/accused in Spl.S.C.No. 94 of 2022 was convicted by the Trial Court by judgment dated 31.10.2025, for the offences under Section 3(d) r/w 4(2) of POCSO Act, 2012 and Sections 342 and 506(i) of IPC and sentenced to undergo rigorous imprisonment for a period of twenty years and to pay a fine of Rs.10,000/- carrying a default sentence



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of simple imprisonment for a period of six months for the offence under Section 3(d) r/w 4(2) of POCSO Act, 2012, to undergo rigorous imprisonment for a period of one year for the offence under Section 342 IPC and to undergo rigorous imprisonment for a period of two years for the offence under Section 506(i) IPC. Aggrieved by the same, he filed Crl.A.No.1919 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 petitioner was aged about 58 years at the time of occurrence; that he called the victim boy aged about 12 years to his house; that thereafter, he removed the boy's pants and applied his mouth to the penis of the victim boy; that he asked the victim boy as to whether any white fluid had come out from the place where he urinates and that he had also bitten the boy's private part.

4. Learned counsel for the petitioner would submit that the allegations levelled against the petitioner are all false; that though the alleged occurrence had taken place on 22.05.2022, the complaint was lodged



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only on 25.05.2022; that the complaint is an afterthought and motivated; that the victim boy's father and the petitioner had certain financial transactions; that the medical evidence would show that there was no injury on the private part of the victim; that there are several inconsistencies in the statement of the victim and other evidence adduced on the side of the prosecution.

5. Heard the learned Additional Public Prosecutor, who would submit that the victim's evidence is cogent and convincing; that it is not necessary to corroborate the victim's evidence by medical evidence in all cases and in view of the provisions relating to presumption under the POCSO Act, the Trial Court was justified in convicting the petitioner.

6. It is seen from the evidence of the Doctor P.W.4 that he had not found any external injuries on the victim or signs of penetrative sexual assault though the Doctor would state that the victim complained of pain. It is also seen that the complaint was lodged three days after the occurrence and there is no acceptable explanation for the delay. Therefore, this Court is of the view that the



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petitioner has raised substantial grounds in the appeal for consideration and has made out a prima facie case for suspension of sentence.

7. Considering the above facts, the age of the victim and that 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, Mahalir Needhimandram, Fast Track Mahila Court, Tiruppur;
- (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.

29.01.2026

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To

1. The Sessions Judge,
Mahalir Needhimandram,
Fast Track Mahila Court, Tiruppur.
2. The Superintendent, Central Prison,
Coimbatore.



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3. The Inspector of Police,
Dharapuram All Women Police Station,
Tiruppur District.
4. The Public Prosecutor, High Court,
Madras.



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SUNDER MOHAN,J.

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