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Crl.M.P.No.24361 of 2025
in Crl.A.No.1930 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.24361 of 2025
in Crl.A.No.1930 of 2025

Lalitha

... Petitioner /Appellant

Vs.

State rep. By,
The Inspector of Police,
Eravancheri Police Station,
Thiruvarur.

... Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430 (1) r/w 483 of BNSS Act, 2023 praying to suspend the sentence imposed on the petitioner in Spl.S.C.No.14 of 2022, on the file of the learned Sessions Judge, Fast Track Mahila Court, Thiruvarur by an order dated 06.11.2025 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

For Petitioner : Mr.Swamisubramanian

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 06.11.2025 passed in Spl.S.C.No.14/2022 by the learned Sessions Judge, Fast Track Mahila Court, Thiruvavarur, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/accused in Spl.S.C.No.14/2022 was convicted by the Trial Court by judgment dated 06.11.2025, for the offences under Sections 363 r/w. 361 IPC and Sections 5(1) r/w 6, 5(c) r/w 6 and Section 9(c) r/w 10 of POCSO Act and Section 367 of IPC and sentenced to undergo 4 years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo two months simple imprisonment for the offence under Section 361 of IPC and sentenced to undergo 20 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo further six months simple imprisonment for the offence under 5(1) r/w 6 of the POCSO Act and sentenced to undergo 20 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo six months simple imprisonment for the offence under Section 5(c) r/w 6 of the POCSO Act and also sentenced to



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undergo 5 years rigorous imprisonment and to pay a fine of Rs.3,000, in default, to undergo three months simple imprisonment for the offence under Section 9(c) r/w 10 of the POCSO Act and also sentenced to undergo 5 years rigorous imprisonment and to pay a fine of Rs.3,000/-, in default, to undergo 3 months simple imprisonment and the sentences were ordered to run concurrently. Aggrieved by the same, she filed Crl.A.No.1930 of 2025 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

3.The gist of the allegation against the petitioner is that she had compelled the victim boy PW1 and had sexual intercourse with him and thus committed the aforesaid offenses.

4.The learned counsel for the petitioner would submit that the allegations are an afterthought; that the alleged occurrence did not take place as stated by the prosecution; that in any case, the petitioner cannot be made liable for the offence of penetrative sexual assault; and that there are several arguable points in the above appeal.



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5. However, the learned Government Advocate (Crl. Side) would submit that the petitioner had compelled the victim boy to have sexual intercourse with the petitioner and therefore, the petitioner is liable for the offence and that there is no infirmity in the Judgment of the trial Court as the evidence of the victim boy is cogent and convincing.

6. Heard the learned counsels on either side and perused the materials available on record.

7. The petitioner is a lady aged about 35 years. The point raised by the petitioner that she cannot be made liable for an offence of penetrative sexual assault in the facts of the case requires consideration. Considering the nature of allegation, the submissions made by the learned counsel for the petitioner and since the petitioner has raised substantial grounds in the above appeal, this Court is inclined to suspend the sentence.

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:



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- (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, Fast Track Mahila Court, Thiruvavur;
- (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.

07.01.2026

Tsg

Note: Issue order copy on 09.01.2026



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SUNDER MOHAN, J.

Tsg

To

- 1.The Sessions Judge,
Fast Track Mahila Court,
Thiruvarur.
- 2.The Superintendent,
Central Prison for Women at Tiruchirapalli.
- 3.The Inspector of Police,
Eravancheri Police Station,
Thiruvarur.
- 4.The Public Prosecutor,
High Court, Madras.

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