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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 152 of 2026
in CRL A No. 9 of 2026

Manjunathan

..Petitioner(s)

Vs

The State Rep. by,
The Inspector of Police,
All Women Police Station,
Thiruppathur District.
Crime No.6 of 2021.

..Respondent(s)

Prayer: The Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, to suspend the sentence imposed in the judgment dated 21.04.2025 in Special Sessions Case No. 75 of 2024 by the learned District and Sessions Judge, Thiruppathur, Thiruppathur District and enlarge him on bail pending disposal of the above Criminal Appeal.

For Petitioner(s):	Mr.M.G.Udayashankar for Ms.S.Santha Kumari
For Respondent(s):	Ms.Sharada Vivek, Additional Public Prosecutor

ORDER

The Criminal Appeal challenges the Judgment passed in Spl.S.C.No.75 of 2024 by the learned District and Sessions Judge, Thiruppathur, Thiruppathur District holding the petitioner guilty of the offences under Section 5(1)(j)(ii)(n) r/w 6 of the POCSO Act and under Section 366 IPC and sentencing him as

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stated below;

Offence under Section	Sentence imposed
366 of IPC	2 years RI and to pay a fine of Rs.1,000/- (id) to undergo 3 months SI
5(1)(j)(ii)(n) r/w 6 of the POCSO Act	20 years RI and to pay a fine of Rs.2,000/- (id) to undergo 6 months SI

The sentences were ordered to concurrently.

2.It is the case of the prosecution that the petitioner and the victim were related to each other; that the petitioner had lured the victim girl and had sexual intercourse in the year 2020 with the victim girl, born on 16.07.2004; that thereafter, the victim girl became pregnant and delivered a child; and thus committed the aforesaid offences. The trial Court held the appellant guilty of the offences under Section 5(1)(j)(ii)(n) r/w 6 of the POCSO Act and under Section 366 IPC and sentenced him as stated above, though the victim turned hostile, on the basis of the DNA report.

3.The learned counsel for the petitioner would submit that the victim turned hostile; that the allegations are false; that the trial Court ought not to have convicted the petitioner on the basis of opinion evidence; that in order to show his bonafides, he is willing to deposit Rs.2,50,000/- to the credit of Spl.S.C.No.75 of 2024 before the trial Court, which can be paid to the victim, for the benefit of the child.

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4.The learned Additional Public Prosecutor *per contra* submitted that though the victim has turned hostile, there is no infirmity in the impugned Judgment holding the appellant guilty on the basis of the DNA report.

5.Admittedly, the victim had turned hostile. The victim and the petitioner were known to each other. It has to be examined in the above appeal whether the conviction can be sustained on the basis of the evidence adduced by the prosecution. The appeal is not likely to be taken up in the near future. The petitioner, to show his bonafides, is willing to deposit Rs.2,50,000/- to the credit of Spl.S.C.No.75 of 2024. Considering all the above facts, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

6.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:

> (a).The petitioner shall deposit a sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) to the credit of Spl.S.C.No.75 of 2024 before the learned District and Sessions Judge, Special Court for POCSO Act, Thiruppathur, Thiruppathur District and shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties,

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each for a like sum to the satisfaction of the learned District and Sessions Judge, Special Court for POCSO Act, Thiruppathur, Thiruppathur District;

(b) On such deposit, the trial Court shall pay the victim the said sum, for the benefit of the child born to the victim;

(c).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

(d).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.

05-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

TSG

Note: Issue order copy on 05.11.2026.

To

1.The Inspector of Police,
All Women Police Station,
Thiruppathur District.
Crime No.6 of 2021.

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2.The District and Sessions Judge,
Thiruppathur, Thiruppathur District.

3.The Superintendent,
Central Prison, Vellore.

4.The Public Prosecutor,
Madras High Court.

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SUNDER MOHAN, J.

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