



Crl.M.P. No. 927 of 2026
in
Crl.A. No. 56 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P. No.927 of 2026

in

Crl.A. No. 56 of 2026

Mr.D. Karunaivel,
S/o. Mr. Dhanusu,
No.13, Mariyamman Koil Street,
Thandalam Village, Parukkal Post,
Seiyur Taluk, Kancheepuram District.

..Petitioner

Vs.

The State rep. By
The Inspector of Police,
All Women Police Station,
Melmaruvathur,
Kancheepuram District.

..Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 430 of BNSS
to suspend the sentence imposed on the petitioner by judgment dated
12.11.2025 passed in S.C. No. 114 of 2019 by the learned Sessions Judge,



Crl.M.P. No. 927 of 2026
in
Crl.A. No. 56 of 2026

Mahalir Needhimandram, Chengalpattu and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner :: Mr.N. Moorthi

For Respondent :: Mr.S. Balaji,
Govt. Advocate (Crl.Side)

O R D E R

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 12.11.2025 passed in S.c. No. 114 of 2019 by the learned Sessions Judge, Mahalir Needhimandram, Chengalpattu, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/accused in S.C. No. 114 of 2019 was convicted and sentenced by the Trial Court for the following offences:

<i>Section of offence</i>	<i>Sentence imposed</i>
Section 376 IPC	To undergo 7years rigorous imprisonment and to pay a fine of Rs.3000/-, in default to undergo simple imprisonment for 3 months.
Section 417 IPC	To undergo rigorous imprisonment for a period of one year and to pay a fine of Rs. 1000/-, in default to undergo simple imprisonment for one month.



Crl.M.P. No. 927 of 2026
in
Crl.A. No. 56 of 2026

WEB COPY

Aggrieved by the same, he filed Crl.A.No.56 of 2026 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

3. The gist of the prosecution case is that the petitioner and the victim girl had love affair since 2014; that in the year 2017, the petitioner, on the promise of marriage, had sexual intercourse with the victim girl ; that thereafter, refused to marry her and thus, committed the aforesaid offences.

4. Learned counsel for the petitioner would submit that even according to the prosecution, the petitioner and the victim girl had a love affair for more than 4 years prior to the alleged occurrence; that the evidence suggest that the relationship between the petitioner and the victim was consensual and the victim girl's consent was not obtained by fraud or deceit and therefore, the learned counsel prayed for the relief of suspension of sentence.

5. Heard the learned Government Advocate (Crl.Side) for the respondent and perused the counter affidavit.



Crl.M.P. No. 927 of 2026
in
Crl.A. No. 56 of 2026

WEB COPY

6. Admittedly, the petitioner and the victim girl had a love affair for more than 4 ½ years prior to the occurrence. There is no evidence to suggest that the victim's consent was obtained on the false promise of marriage. A perusal of the evidence on record, *prima facie*, suggests that the victim was aware of the consequences of her act. She was aged about 23 years at the time of occurrence.

7. Considering all the above facts, the period of incarceration of the petitioner/appellant 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, the 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, Chengalpattu;



Crl.M.P. No. 927 of 2026
in
Crl.A. No. 56 of 2026

WEB COPY

(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.

27.01.2026

Neutral Citation: Yes/No

nv

To

1. The Sessions Judge,
Mahalir Needhimandram,
Chengalpattu District.
2. The Superintendent,
Central Prison, Puzhal, Chennai.

5\6



WEB COPY



Crl.M.P. No. 927 of 2026
in
Crl.A. No. 56 of 2026

SUNDER MOHAN,J.

nv

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

Crl.M.P. No. 927 of 2026
in
Crl.A.No. 56 of 2026

27.01.2026