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CRL MP No. 571 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-01-2026

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 571 of 2026

IN

CRL A NO. 1546 OF 2025

Pakthiraj
S/o. Muthusamy, Sakthi nagar,
Meenkarai Road, Pollachi, Coimbatore.

Petitioner(s)

Vs

State Represented by
The Inspector of Police, All Women
Police, All Women Police Station,
Pollachi. Cr.No.19/2019

Respondent(s)

PRAYER

To suspend the sentence imposed by the learned Principal Special Court for Exclusive trial of Cases under POCSO Act, Coimbatore and made in Spl.CC.No.40 of 2020, judgement dated 16.08.2024 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner(s): Mr.C.S.S.Pillai

For Respondent(s): Mr.J.Subbiah Govt.Advocate
(crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, to suspend the sentence imposed by the learned Principal Special Court for Exclusive trial of Cases under POCSO Act, Coimbatore and made in



Spl.CC.No.40 of 2020, judgement dated 16.08.2024 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

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2. The petitioner herein is the accused in Spl.C.C.No.40/2020 on the file of the Principal Special Court for Exclusive trial of Cases under POCSO Act, Coimbatore, and convicted for the offence under Sections 323 and sentenced to undergo 3 months rigorous imprisonment and under Section 506(i) IPC sentenced to undergo one year rigorous imprisonment and under Section 9(m) r/w 10 of the POCSO Act, and sentenced to undergo 5 years rigorous imprisonment and also directed to pay a fine of Rs.10,000/- in default simple imprisonment for 1 year simple imprisonment. Aggrieved by the same, the petitioner had filed this appeal.

3. The learned counsel for the petitioner submitted that he was falsely implicated in this case, and he is ready to abide with any conditions.

4. The learned Government Advocate (Crl.Side) appearing for the respondent raised strong objections to suspend the sentence. He further submitted that at the time of occurrence, the victim girl was 5 years old and the appellant / accused was 65 years old. The appellant had sexually assaulted the minor victim girl. Before the trial Court, the prosecution has proved the guilt of the accused beyond reasonable doubt.



5. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the appellant, and also the old age of the appellant / accused, further this Criminal appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) the appellant / accused is ordered to be released on bail, on executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, in which one surety shall be a blood related surety, each for a like sum to the satisfaction of the learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

(b) The appellant/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The appellant shall appear before the Trial Court on every Monday at 10.30 a.m., until the disposal of the Criminal 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 355 of BNSS, 2023. 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.



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6. With the above directions, this Criminal Miscellaneous Petition is ordered.

19-01-2026

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

- 1.State Represented by
The Inspector of Police,
All Women Police, All Women Police
Station, Pollachi. Cr.No.19/2019
- 2.The Superintendent, Central Prison,
Coimbatore.
- 3.The Principal Special Court for
Exclusive Trial of Cases under POCSO
Act, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras, Chennai.



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T.V.THAMILSELVI J.
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