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Crl.M.P.No.24841 of 2025
in Crl.A.No.1956 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.24841 of 2025 in
Crl.A.No.1956 of 2025

Mahendran

... Petitioner /Appellant

Vs.

The State rep. by
The Inspector of Police,
Katpadi All Women Police Station,
Vellore District.
(Crime No.3 of 2023)

... Respondent / Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430(1) of BNSS, 2023 praying to suspend the sentence passed by the judgment dated 29.09.2025 in Spl.S.C.No.99 of 2023 by the learned Sessions Judge (Fast Track Court), Special Court for POCSO Act 2012, Vellore, Vellore District, by enlarging him on bail.

For Petitioner : Mr.M.G.Udayashankar
for Mrs.S.Santha Kumari

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 29.09.2025 in Special Spl.S.C.No.99 of 2023 on the file of the Sessions Judge (Fast Track Court), Special Court for POCSO Act, 2012, Vellore, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/accused in Spl.S.C.No.99/2023 was convicted by the Trial Court by judgment dated 29.09.2025, for the offence under 5(i), 5(j)(ii) r/w. Section 6 of POCSO Act 2012 and sentenced to undergo twenty years rigorous imprisonment and to pay a fine of Rs.20,000/-, in default, to undergo simple imprisonment for six months. Aggrieved by the same, he filed CrI.A.No.1956 of 2025 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, at the time of occurrence, the petitioner was aged about 23 years and the victim girl was aged about 17 years ; that they both had a love affair; on the promise of marriage, the petitioner had sexual intercourse with the victim ; that the victim became



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pregnant ; that when the victim's mother, P.W.1, questioned the victim, she revealed that the petitioner was responsible for her pregnancy; and hence the petitioner committed the offences.

4.The learned counsel for the petitioner submitted that the victim girl and the petitioner had a consensual relationship ; that there are vital contradictions in the evidence of the victim girl and the medical evidence adduced on the side of the prosecution; and that the victim infact never wanted to lodge a complaint.

5.The learned Government Advocate (Crl.Side) confirmed the victim girl and the petitioner had a love affair and that since the victim was a minor, consent is immaterial; that the prosecution has established the case and that hence there is no infirmity in the judgement passed by the Trial Court.

6.Admittedly, the petitioner and the victim girl had love affair for more than five years. The victim girl was aged about 17 years. She had not lodged any complaint with regard to the alleged occurrence. P.W.1, the mother of the victim girl, lodged a complaint only after she came to know that the victim



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was pregnant. The victim had deposed that she intended to marry the petitioner and that it was consensual affair.

7. Even if the prosecution case is accepted as true, it would show that the occurrence took place due to the innocence of two youngsters and mutual attraction towards each other. Hence, considering that the petitioner has raised substantial grounds, the fact that the appeal is not likely to be take up in the near future and all the above referred facts, 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 (Fast Track Court), Special Court for POCSO Act, 2012, Vellore;

(ii)The petitioner and the sureties shall affix their photographs and



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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.

19.01.2026

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To

1.The Sessions Judge (Fast Track Court), Special Court for POCSO Act, 2012, Vellore;

2.The Central Prison, Vellore.

3.The Inspector of Police,
Katpadi All Women Police Station,
Vellore District.

4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.



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