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CRL MP No. 140 of 2
in Crl.A.No.7 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-02-2026

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THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No.140 of 2026

in

Crl.A.No.7 of 2026

M.Thirumal,
S/o.Muniappan,
Errappatty Village,
Nallampally Taluk,
Dharmapuri District.

..Petitioner/Appellant

Vs

The State by,
The Inspector of Police,
All Women Police Station,
Dharmapuri,
Dharmapuri District.
Cr.No.7/2020.

...Respondent/Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 398(1) of Cr.P.C., to suspend the sentence of imprisonment imposed in the Judgment dated 28.11.2025 in Spl.S.C.No.119 of 2023 on the file of the Learned Session Judge, the Special Court to deal with the cases related to Protection of Children from Sexual Offences Act, Dharmapuri and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal before this Court.



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For Petitioner:

Mr.N.Manoharan

For Respondent:

Mr.S.Balaji

Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by Judgment dated 28.11.2025 in Spl.S.C.No.119 of 2023 by the learned Sessions Judge, the Special Court to deal with the cases related to the Protection of Children from Sexual Offences Act, Dharmapuri, pending disposal of the above Criminal Appeal and enlarge the petitioner on bail.

2. The petitioner/sole accused in Spl.S.C.No.119 of 2023 was convicted by the Trial Court by Judgment dated 28.11.2025 for the offences under Section 5(1) r/w 6(1) of the Protection of Children from Sexual Offences Act, 2012, and Sections 366 and 376(1) of the Indian Penal Code, 1860, and sentenced him as follows:

Offence under Section	Sentence imposed
Section 5(1) r/w 6(1) of the POCSO Act, 2012.	To undergo RI for ten years and to pay a fine of Rs.10,000/- in default to undergo SI for one year.
366 of IPC	To undergo RI for ten years and to pay a fine of Rs.3,000/- in default to undergo SI for one year.
376(1) of IPC	To undergo RI for ten years and to pay a fine of Rs.10,000/- in default to undergo SI for one year.
The sentences were ordered to run concurrently.	



Aggrieved by the same, he filed Crl.A.No.7 of 2026 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

3. The case of the prosecution is that the petitioner/accused, on the promise of marriage, had committed penetrative sexual assault on 15.01.2018 on the victim girl born on 28.05.2000; and that he committed rape on her at regular intervals of six months each even after she attained majority till 25.09.2020 and thus committed the aforesaid offences.

4. Mr.N.Manoharan, the learned counsel for the petitioner, would submit that the alleged occurrences took place in a span of three years; that the victim had not complained about the alleged occurrence till October 2020; that the allegations would only suggest that the relationship was consensual; that the victim herself admitted that she had sent her nude pictures to the petitioner; and that there are several arguable points in the above appeal. Hence, he prayed for suspension of the sentence imposed on the petitioner.

5. Mr.S.Balaji, the learned Government Advocate (Crl.Side), for the respondent, however, would submit that even assuming that the relationship of



the victim girl and the petitioner was consensual, the victim has deposed that the petitioner had harassed the victim girl and threatened her with dire consequences if she did not fulfill his demands, even though the victim was engaged with another person; and that since the petitioner has committed heinous offences, he is not entitled to the relief of suspension of sentence.

6. Admittedly, the alleged occurrences had taken place over a span of three years. The first occurrence is said to have taken place on 15.01.2018, when the victim is said to have been 17 years and 8 months old. The alleged occurrences had also taken place after the victim had attained majority. The victim had not complained about any of the alleged occurrences till October 2020.

7. Considering all the facts, since the petitioner has raised several arguable points and has made out a *prima facie* case for suspension of sentence and the appeal is not likely to be taken up in the near future, this Court is inclined to suspend the sentence imposed on 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:



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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, Special Court to deal with cases related to POCSO Act, Dharmapuri;
- (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.

09-02-2026

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To

1. The Sessions Judge,
the Special Court to deal with the cases related to
Protection of Children from Sexual Offences Act,
Dharmapuri.
2. The Superintendent,
Central Prison, Salem.



3.The Inspector of Police,
All Women Police Station,
Dharmapuri,
Dharmapuri District.

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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