



Crl.M.P.No.4911 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.M.P.No.4911 of 2026
in Crl.A.No.287 of 2026

Prabakaran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Tiruvallur.
(Crime No.1 of 2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 430(2) of the Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence imposed on the petitioner in Spl.S.C.No.57 of 2020 dated 23.09.2025 on the file of the Special Court under POCSO Act, Tiruvallur, pending disposal of the criminal appeal and enlarge the petitioner on bail.

For Petitioner : Mr.V.Illanchezian

For Respondent : Ms.J.R.Archana
Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence of imprisonment, imposed by the learned Special Court under POCSO Act, Tiruvallur, in Spl.S.C.No.57 of 2020, vide judgment dated 23.09.2025.



2. The petitioner/appellant, on 10.06.2020, is alleged to have committed offences punishable under Section 363 IPC and Sections 7 r/w 8 of the Protection of Children from Sexual Offences Act, 2012, on the victim child. Hence, a case in Crime No.1 of 2020 came to be registered and after completion of investigation, the case was taken on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvallur in Spl.S.C.No.57 of 2020. The trial Court, after hearing the arguments on both sides and upon consideration of the entire materials on record, found the petitioner/appellant guilty and convicted and sentenced him vide judgment dated 23.09.2025 as under:-

<i>Under Section</i>	<i>Sentence</i>
363 IPC	seven years rigorous imprisonment and fine of Rs.10,000/-, in default, to undergo one year simple imprisonment.
Sections 7 r/w 8 of the Protection of Children from Sexual Offences Act, 2012	five years rigorous imprisonment and fine of Rs.25,000/-, in default, to undergo six months simple imprisonment.
The sentences were ordered to run concurrently.	

3. The submissions of the learned counsel appearing for the petitioner/appellant are as follows:-

3.1. The petitioner/appellant is innocent and that without there being any material for the offence under Section 363 of IPC, the trial Court has erred in convicting the petitioner/appellant.



3.2. The trial Court failed to take into consideration the delay in recording the statement of the victim child under Section 164 Cr.P.C. Further, the trial Court also failed to note the exaggerated version of the victim child which is totally against medical evidence.

3.3. There are arguable points available in the Criminal Appeal, which is unlikely to be taken up for final hearing in the near future and the petitioner/appellant have a fair chance of succeeding in the appeal.

3.4. The petitioner was granted bail during trial and he has not misused the liberty granted to him. The petitioner has been suffering incarceration in the Central Prison, Puzhal, Chennai, from the date of judgment.

3.5. Hence, the sentence imposed on the petitioner/appellant may be suspended and he may be enlarged on bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent opposed for grant of suspension of sentence stating that the petitioner/appellant allegedly lured the victim, a 3 ½ year old child, to the canteen where he worked, by offering snacks and committed sexual assault on her by inappropriately touching her genitals. She further submitted that the trial Court, after taking into consideration the oral and documentary evidence produced by the prosecution, rightly found the



Crl.M.P.No.4911 of 2026

petitioner/appellant guilty and convicted and sentenced him, as stated above.

5. Heard the learned counsel for the petitioner/appellant and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials on record.

6. Considering the facts and circumstances of the case and also the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner/appellant, this Court is of the view that the sentence of imprisonment can be suspended and the petitioner/appellant can be granted bail on certain conditions. Accordingly, pending disposal of the appeal, the sentence is suspended and the petitioner/appellant is enlarged on bail, subject to the following conditions:-

“(i) The petitioner/appellant shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Special Court under POCSO Act, Tiruvallur;



Crl.M.P.No.4911 of 2026

(ii) The petitioner/appellant shall stay at Trichy and report before the Inspector of Police, Trichy Cantonment Police Station, on every Sunday at 6.30 p.m. and he shall also appear before the trial Court on the first working day of every English calendar month at 10.30a.m., until further orders;

(iii) It is made clear that the petitioner/appellant shall not communicate with either the victim child or her family members and he shall not enter the jurisdictional limits of the Mappedu Police Station, Tiruvallur District, until further orders.”

7. Accordingly, the Criminal Miscellaneous Petition stands ordered.

16.04.2026

ham

To

1. The Sessions Judge,
Special Court under POCSO Act,
Tiruvallur.
2. The Inspector of Police,
All Women Police Station,
Tiruvallur District.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

5/6



WEB COPY



Crl.M.P.No.4911 of 2026

A.D.JAGADISH CHANDIRA, J.

ham

***Crl.M.P.No.4911 of 2026
in Crl.A.No.287 of 2026***

16.04.2026