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CRL MP No. 1581 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**CRL MP No. 1581 of 2026 in
Crl.A.No.106 of 2026**

Sambath
S/o.Venkatesan,
Kasthuribai Street,
Ayyampattai,
Thirupattur Taluk,
Vellore District.

..Petitioner(s)

Vs

The state rep.by, The Inspector of Police,
AWPS Thirupattur Police Station,
In Cr.No.09/2019.

..Respondent(s)

PRAYER : Petition filed under Section 430(1) of BNSS, to suspend the sentence imposed in Spl.S.C.No.85/2024 dated 16.04.2025 on the file of Hon'ble District and Sessions Court, Thirupattur and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner(s): P.SRINIVASAN

For Respondent(s): Mr.S.Balaji G.A

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in Spl.S.C.No.85/2024 dated 16.04.2025 on the file of learned



District and Sessions Court, Thirupattur and enlarge the petitioner on bail pending disposal of the above appeal.

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2. The petitioner/accused in Spl.S.C.No.85/2024 was convicted by the Trial Court by judgment dated 16.04.2025, for the offences under Section 5(m) r/w 6 of POCSO Act, Section 3(1)(w)(i) of SC/ST Prevention of Atrocities Act, Section 506(1)(2) of IPC and sentenced to undergo 6 months S.I. and 5 years R.I. for the offence under Section 9(m) r/w 10 of POCSO Act, 2012 and a fine of Rs.3,000/- i.d. to undergo 6 months S.I. Aggrieved by the same, he filed CrI.A.No.41 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 has committed aggravated sexual assault by inappropriately touching the victim girl's private part by his private part and thus, the petitioner committed the aforesaid offences.

4.The learned counsel for the petitioner would submit that the prosecution has failed to establish the offence of penetrative sexual assault; that the evidence of the doctor would show that there were no injuries on the private part of the victim. He further submitted that the petitioner is in custody from April 2025 as against the sentence of 5 years imprisonment imposed on the petitioner.



5. The learned Government Advocate (Crl.Side) would submit that the victim has disbelieved as regards the offence of penetrative sexual assault and the petitioner was convicted for the offence of aggravated sexual assault.

6. The victim has been disbelieved by the Trial Court as regards the part of her evidence regarding penetrative sexual assault. The petitioner has raised a substantial ground for the above appeal. The petitioner is in custody for nearly 9 months as against fixed sentence of imprisonment of five years. The Appeal is not likely to be taken up in the near future. Hence, considering all the above facts, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

7. 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 District and Sessions Court, Thirupattur.
- (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



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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.

19-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

GSK



To

1. The Inspector of Police,
AWPS Thirupattur Police Station,
In Cr.No.09/2019.
2. The District and Sessions Court, Thirupattur.
3. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN, J.

GSK

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