



WEB COPY

CRL MP No. 210 of 2  
in Crl.A.No.12 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 23-01-2026**

CORAM

**THE HON'BLE MR.JUSTICE SUNDER MOHAN**

**CRL MP No. 210 of 2026**

**in**

**Crl.A.No.12 of 2026**

Yesupatham  
S/o.Selvam,  
Asokar Street,  
Sanrorkuppam Village,  
Ambur Taluk,  
Thirupathur District.

Now he is confined at Central Prison,  
Vellore and his CP.No.387608.

...Petitioner/Appellant

Vs

The State Rep by,  
The Inspector of Police,  
All Women Police Station,  
Ambur, Thirupathur District.  
Cr.No.12/2021.

...Respondent/Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 430 (1) of BNSS Act to Suspend the operation and execution of sentence imposed by the Learned District and Sessions Judge, Thirupathur, dated: 19.08.2025 made in Spl.S.C.No.112/2024 till the disposal of the appeal and may be pleased to enlarge the above petitioner/appellant on bail till the disposal of the pending appeal.



For Petitioner:

M/s.L.Meenakshi  
for M/S.Dinesh and Associates

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 the Judgment dated 19.08.2025 passed in Spl.S.C.No.112/2024 by the learned District and Sessions Judge, Thirupathur, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/sole accused in Spl.S.C.No.112/2022 was convicted by the Trial Court by Judgment dated 19.08.2025 for the offence under Section 9(m) r/w 10 (2 counts) of the POCSO Act, 2012 and sentenced to undergo 5 years rigorous imprisonment (each) and to pay a fine of Rs.5,000/- (each), in default, to undergo further one year simple imprisonment for the offence under Section 9(m) r/w 10 (2 counts) of POCSO Act, 2012. Aggrieved by the same, he filed Crl.A.No.12 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 had taken the victim girls, who are neighbours aged about 10 and 8 years, respectively, and committed penetrative sexual assault on the two victims and thus, committed the aforesaid offence.

4. The trial Court found that the allegation of the penetrative sexual assault has not been established and found the petitioner guilty of the offence under Section 9(m) r/w 10 (2 counts) of the POCSO Act, 2012, and sentenced him as stated above:

5(a). The learned counsel for the petitioner/accused would submit that the evidence of the victims cannot be believed; that the victims had given exaggerated versions in their depositions; that the trial Court has rightly disbelieved the victims insofar as the offence of the aggravated penetrative sexual assault; that the evidence of the Doctor and the other evidence on record would show that the victims cannot be believed; and that there are several arguable points in the above appeal.



(b). The learned counsel further submitted that the appellant was in custody during investigation from 14.12.2021 to 25.05.2022 and from 30.06.2023 to 14.09.2023 and from 24.03.2025 till date and has served almost two years of the sentence.

6. Mr.S.Balaji, the learned Government Advocate (Crl. Side) for the respondent, confirms the above incarceration suffered by the petitioner.

7. Considering the fact that the petitioner has raised substantial grounds in the above appeal; that there are inconsistencies in the evidence of the victim girls; and that the appellant has been in custody since 24.03.2025 and was in custody during the investigation for about nine months, this Court is inclined to suspend the sentence.

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 District and Sessions Judge, Thirupathur;



(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.

**23.01.2026**

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Note: Issue order copy on 27.01.2026

To

1. The District and Sessions Judge,  
Thirupathur.
2. The Superintendent,  
Central Prison, Vellore.
3. The Inspector of Police,  
All Women Police Station,  
Ambur, Thirupathur District.
4. The Public Prosecutor,  
High Court, Madras.



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**SUNDER MOHAN, J.**

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