



Crl.M.P. No.658 of 2026
in
Crl.A. No. 37 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.M.P. No. 658 of 2026

in

Crl.A. No. 37 of 2026

S. Raja,
S/o. Sankar,
Archivakkam Village,
Cheyyur Taluk,
Chengalpattu District.

..Petitioner

Vs.

The State rep. By
The Inspector of Police,
Walajabad Police Station,
Kancheepuram District,
Crime Number 1436 of 2020

..Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 430(1) BNSS
to suspend the sentence imposed on the petitioner by judgment dated
18.06.2025 in Spl.S.C. No. 32 of 2025 by the learned Principal District and
Sessions Judge, Special Court for the Exclusive Trial of cases under the



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POCSO Act, Kancheepuram and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner :: Mr.B. Mohan

For Respondent :: Mr.S. Rajakumar,
Addl. Public Prosecutor

O R D E R

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 18.06.2025 passed in Spl.S.C.No.32 of 2025 by the learned Principal District and Sessions Judge, Special Court for the Exclusive Trial of cases under the POCSO Act, Kancheepuram, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/accused in Spl.S.C.No.32 of 2025 was convicted by the Trial Court by judgment dated 18.06.2025 for the offences under Sections 366 r/w 109 IPC and Section 6(1) r/w Section 17 of POCSO Act and sentenced to undergo rigorous imprisonment for a period of 10 years, to pay a fine of Rs.1000/- and in default to undergo simple imprisonment for 2



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months for the offence under Section 366 r/w 109 IPC and sentenced to undergo rigorous imprisonment for a period of 20 years and to pay a fine of Rs.20,000/- carrying a default sentence of simple imprisonment for 2 months for the offence under Section 6(1) r/w Section 17 of POCSO Act. Aggrieved by the same, he filed Crl.A.No.37 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 is the paternal uncle of the juvenile in conflict with law, aged about 16 years, who is guilty of committing the offence of penetrative sexual assault and rape on the victim girl aged about 14 years; that the petitioner abetted the said offence by allowing the juvenile in conflict with law and the victim to stay in his house and thus committed the aforesaid offences.

4. Learned counsel for the petitioner would submit that the prosecution had not established that the alleged occurrence took place in the house of the petitioner; that the Observation Mahazar stated that the



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occurrence took place in the house in a village called Kolambakkam and the RTI reply would state that there is no such village in Tiruvannamalai District; that even according to the prosecution, the juvenile in conflict with law had a love affair and the allegation that the petitioner abetted the commission of the said offence cannot be sustained.

5. Heard the learned Additional Public Prosecutor who would submit that even assuming that the victim and the juvenile in conflict with law had a love affair and their relationship was consensual, consent is immaterial since the victim was a minor at the time of occurrence; that the petitioner ought not to have permitted the juvenile in conflict with law and the victim to stay in his house and the evidence therefore suggests that the petitioner had abetted the commission of the offence.

6. Admittedly, the juvenile in conflict with law was aged about 16 years at the time of occurrence and the victim was aged about 14 years. They had a love affair and the relationship was consensual. The allegation against the petitioner is that he permitted both of them to stay in



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his house. Learned counsel for the petitioner has raised substantial grounds in the appeal and has stated that the prosecution had not established that the petitioner had allowed the juvenile in conflict with law and the victim to stay in his house. Hence, this Court is of the view that the petitioner has made out a prima facie case for suspension of sentence.

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 Principal District and Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Kancheepuram;
- (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



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(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.

29.01.2026

Neutral Citation: Yes/No

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To

1. The Principal District and Sessions Judge,
Special Court for Exclusive Trial of cases
under POCSO Act, Kancheepuram.
2. The Superintendent, Central Prison, Puzhal.



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3.The Inspector of Police,
Walajabad Police Station,
Kancheepuram District

4. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN,J.

nv

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