



Crl.M.P.(MD)No.1034 of 2026

in Crl.A.(MD)No.77 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.04.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.1034 of 2026

in Crl.A.(MD)No.77 of 2026

Prakash

... Petitioner

versus

The State of Tamilnadu, rep. by
The Inspector of Police,
Kannivadi Police Station,
Dindigul District.

... Respondent

Petition filed under Section 430(1) BNSS Act, to suspend the execution of sentence by granting bail in Spl.S.C.No.74 of 2024 dated 01.08.2025 on the file of the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Dindigul District, till the disposal of the criminal appeal.

For Petitioner : Mr.K.MU.Muthu

For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)



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ORDER

The petitioner is the sole accused in Spl.S.C.No.74 of 2024 on the file of the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Dindigul. He was tried for the offence under Section 366 IPC and Sections 9 and 6 of POCSO that he had sexual intercourse with the victim girl, by promising that he would marry her. After the trial, the trial Court, by its Judgment dated 01.08.2025, found the petitioner guilty and convicted and sentenced him as under:

Sl.No	Sections	Punishment	Fine amount	Default
1.	366 IPC	Six years rigorous imprisonment	Rs.5,000/-	Four months simple imprisonment
2.	6 of POCSO Act	20 years rigorous imprisonment	Rs.5,000/-	Six months simple imprisonment

Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.77 of 2026 and the same was admitted by this Court on 21.01.2026. Along with this appeal, the petitioner has moved this petition seeking to suspend the sentence.



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2. The learned counsel appearing for the petitioner has raised the following points:

(i) The occurrence had happened on 02.10.2023, 28.10.2023 and 16.12.2023, but, the same was reported only on 16.12.2023.

(ii) Both the petitioner and the victim girl were in love with each other and hence, there is no question of coercion and forceful marriage. Even the statement of the victim recorded under Section 164 Cr.P.C, reveals that the petitioner and the victim girl were in love with each other.

(iii) The date of birth of the victim is 20.03.2006 and the alleged occurrence took place on 02.06.2023. Hence, on the date of occurrence, the victim was aged 17 years, 6 months and 12 days, which is at the verge of her majority.

(iv) Section 366 of IPC will never be attracted since the victim girl has voluntarily accompanied the petitioner to his house out of her own volition and got married to him.

(v) The lower court mainly relied upon the statement of the victim girl recorded under Section 164 Cr.P.C. and convicted the petitioner/appellant, which is against the law.

According to the learned counsel, the petitioner is in jail for the past eight



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months and he was also in jail for 60 days during the trial. Therefore, he seeks to grant bail to the petitioner.

3. The learned Government Advocate (Crl. Side) submits that at the time of occurrence, the petitioner was aged about 25 years and he is a married man. The petitioner induced the victim girl, who was aged about 17 ½ years and had physical relationship, due to which, she was pregnant and thereafter, the fetus was aborted. Since the victim girl was aged below 18 years, her consent is immaterial.

4. This Court considered the rival submissions made.

5. The victim child was aged about 17 years and six months. Knowing that the petitioner is a married man, she had a love affair with the petitioner and induced him to take her away and subsequently, they married and had sexual relationship.

6. The petitioner has raised certain arguable points, however, the same can be considered during the final hearing of the appeal and the appeal could



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not be taken up for final hearing immediately. Further, the petitioner is in jail from the date of conviction.

7. Considering the age of victim girl, his period of incarceration and also considering the fact the appeal could not be taken up for final hearing immediately, this Court is inclined to suspend the sentence with conditions.

8. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Dindigul.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address, before the trial Court as well as before the respondent Police. In the event, if there is any change of address, the same shall be intimated to the respondent Police without fail.



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(iii) The petitioner shall not misuse the liberty granted to him by indulging in any further offence.

(iv) The petitioner shall stay at Chennai and report before the Inspector of Police, C-1, Flower Bazaar Police Station, Chennai, daily at 10.30 a.m. until further orders and also file an affidavit before the respondent Police that he will never visit the occurrence village and he will never disturb the victim girl at any point of time and he will also be available during the appeal proceedings.

(v) If the petitioner violates any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

09.04.2026

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To

1. The learned Sessions Judge,
Mahalir Neethimandram,
Fast Track Mahila Court, Dindigul District

2. The Superintendent,
Central Prison,
Madurai.

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3. The Inspector of Police,
Kannivadi Police Station,
Dindigul District.
4. The Inspector of Police,
C-1, Flower Bazzar Police Station,
Chennai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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